

The Government and Politics of Florida

BY

FARRIS BRYANT
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THE GOVERNMENT AND POLITICS OF FLORIDA

by

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Gainesville, Florida

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P R E F A C E

There was a time, a few generations ago, when government little intruded itself upon the affairs of men. Taxes, while much complained of, consumed an insignificant part of the income of the people. Legislation was largely negative in nature, detailing for the citizen those limited things which he might not do with impunity. Administrative activities followed the same pattern, providing the enforcement agencies required to assure the observance of legislated prohibitions.

Then came a revolution! The increasing complexity of the social order; the insecurity of livelihoods dependent upon wages rather than upon the eternal soil; the increased opportunities provided by technological and scientific advances for community, state and national action; the national involvement with international affairs - these and related factors brought government to a point where it consumed thirty-six percent of the national income, and threatened to consume more; fostered the passage of legislation invading the most sacrosanct personal relationships; and created a bureaucracy that dominates all economic and legal, and most social, relationships.

The governments of Florida are a vital part of that total picture. Clearly understood and wisely used, they become instruments of progress. Ignored, they can and will quickly become instruments of oppression.

This book is written with the hope that it will add in some small degree to the ability of the people of Florida to achieve as good government as they deserve.

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Gainesville, Florida
August, 1957

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CHAPTER I

LAND OF DIVERSITY

Historical Background

Florida is a land of diversity--an observer has noted that the state may be likened to a thumb jutting out from the North American continent; but a "rule of thumb" by which nothing may be proven. The diversities of Florida exist in the geology, the flora and fauna, and in the people themselves over half of whose nativities were in the other forty-seven states or in foreign countries. While Ponce de Leon's landing near St. Augustine in 1513 gave Florida claim to first discovery, the state remains one of the last to be developed with less than ten percent of its 35,000,000 acres in cropland today.

Since 1513 four successive civilizations have been established in Florida. No other state can match the length of this historical past, and few can match its romance. By 1565 the Spanish had made the first permanent settlement at St. Augustine, forty-two years before the English landings at Jamestown, Virginia. Through the years Spanish, French, English, and Americans fought one or all for its possession. The state, as a whole or by sections, has had four periods of history under Spain, two under France, one under England, one under the Stars and Bars of the Confederate States, and three under the Stars and Stripes of the United States. The disturbed condition that accompanied these changes in political control attracted few permanent settlers to Florida.

Colonial Florida: 1565-1821

In addition to St. Augustine, colonial settlements were established at Pensacola and much later at Fernandina. The Florida colony was supported as a military outpost to guard the Bahama Channel and no efforts were made toward further settlement. The short period of two decades under British sovereignty left little impression other than a few place names. From 1783 to 1821, during the so-called "Second Spanish Period," there was little effective control. The West Florida Rebellion was, in part, responsible for the addition of Florida west of the Perdido River to the United States. While the East Florida Rebellion was largely a failure, lawlessness at Fernandina on Amelia Island brought American occupation in 1819.

When the acquisition of Florida by the United States became final in 1821 there were three towns worthy of the name in the new territory: St. Augustine, Fernandina, and Pensacola. Outside of the few plantations along the banks of the navigable rivers, most of the territory remained the home of the Indian in the primeval wilderness.

The Territory: 1821-1845

By congressional act the framework of territorial government inaugurated with the Northwest Ordinance of 1787 was reestablished for the Florida territory in 1822. The executive power was vested in a governor appointed by the President of the United States; the legislative power in the Governor and a Legislative Council of thirteen, also appointed by the president; and, the judicial power in two "superior" courts whose judges were likewise selected by the president. In 1826 the members of the Legislative Council were chosen by popular election although the Governor and judges of the courts remained appointive throughout the territorial period. In 1838, Congress provided for the creation of an elective bicameral Legislative Council.

The first session of the Legislative Council was held at Pensacola in 1822, the second at St. Augustine in 1823. The vicissitudes of travel between these then distant places led to the location of a new capitol on the hills of Tallahassee where the first session of the Council opened in a log house in November, 1824. In the ensuing twenty years, thousands of settlers moved into the new southern territory; settlers who migrated mainly from the neighboring states of Alabama, Georgia, Virginia, and the Carolinas.

Florida Becomes A State

In the 1830's the agitation for statehood culminated in the election of delegates to a constitutional convention held at St. Joseph in 1838. The Constitution which was drawn at St. Joseph was patterned on those of other southern states, and closely followed them in providing a bill of rights, framework of government, powers of the government, and provisions for amendment and revision. The American system of the distribution of the powers into three branches was continued and further provisions made for suffrage, militia, taxation, apportionment of representation, education, internal improvement, and regulation of corporations and banking.

Sectional differences at the national level operated against the admission of Florida as a state for several years. In 1845, Congress passed the enabling legislation under which Florida, paired with Iowa, entered the Union. As the twenty-seventh state, most of Florida was still a wilderness with a small population of 58,000 and roughly half of that was represented by Negro slaves. There was little settlement outside the counties adjacent to Georgia and Alabama and along the northern coasts. On the eve of the Civil War, agricultural and commercial expansion had grown so that the population doubled from 1845 to 1860, with half of that total in Negro slaves. The problems presented by the absence of internal transportation, the defenses against the elusive Seminole Indians, and the difficulties of adaptation to the sub-tropical climate of the peninsula held back the development of the southernmost state.

PRESSENT FEATURES OF FLORIDA

Increasing Population

The conduct of the Civil War and the aftermath of Reconstruction delayed public and private plans for new enterprise in Florida through two decades. Following the end of Reconstruction, in 1877, Florida entered upon its first expansion of the modern era. During the ante-bellum period St. Augustine and other coastal towns had acquired a position as havens for Northerners seeking the milder winter weather. With the growth of industrialization in the North, the climate and soils of Florida encouraged northern visitors and northern capital to reestablish winter resorts and to foster economic development. Leaders in this movement included Henry M. Flagler, a Rockefeller-Standard Oil partner, who started building the Florida East Coast Railroad southward in 1886, and Henry B. Plant, a Connecticut financier, who started building a railroad to the west coast about the same time. In 1905, the state undertook drainage operations in the Everglades, the 2½ million acre inundated plain below Lake Okeechobee.

These beginnings foreshadowed the rapid development of the state in the past fifty years. An index of Florida's recent growth is illustrated in the census tables: 1900 - 528,000; 1930 - 1,468,000; 1940 - 1,897,000; 1950 - 2,771,000; 1957 - an estimated 3,770,000. The rate of increase from 1930 to 1940 was 29 percent, largest of all the states; the rate from 1940 to 1950 was 46 percent, largest of the states east of the Mississippi River. From 1950 to 1957, Florida was third in percentage increase, gaining 998,000 residents, or 36 percent. People are settling in Florida at the rate of 2,700 per week; if the present rates of growth continue, Florida by 1960 will have 5,000,000 people and by 1970 close to 6,500,000 or nearly twice its present population. But, even so, Florida has experienced a population gain of 135 percent since 1930 (compared with California's gain of 130 percent in the same period). Florida is now 14th among the states in population.

The migration pattern varied considerably from county to county within Florida. Thus, from 1940 to 1950, eighteen counties lost population. At the same time that large numbers of people were moving into the south and central parts of the state, other individuals were leaving many of the agricultural counties in northern and western Florida. From 1950 to 1955, twenty-one Florida counties experienced five percent or more out-migration.

Urban and Metropolitan Areas

The majority of Floridians reside in urban areas. For the past thirty years at least one-half of the people have been urban dwellers. Almost three-fourths of the population is found in settlements of 2,500 or more. And interestingly enough, roughly half of Florida's people are found in five counties. Since 1900 the trend of population has shown the growth gravitating toward the ten largest counties wherein heavily populated urban areas have developed around the states leading cities. In this manner there have developed distinct metropolitan areas around Miami, Jacksonville, Tampa, St. Petersburg, Orlando, Daytona Beach, and Pensacola. Indicative of this trend are the percentage changes in Florida from 1940 to 1955.

Metropolitan areas increased 116 percent in population; non-metropolitan areas increased only 63 percent. A special census in 1955 placed the Dade County population at 703,777 which showed that the Miami metropolitan area--with twenty-six incorporated municipalities--had tripled in population from 1940 to 1955. These trends of urban and metropolitan growth are continuing.

Land Uses

The area of Florida is 58,666 square miles. Of this area, 54,861 square miles (35,111,000 acres) are land. About two-thirds of all Florida's land is in forest. Of the remainder, five percent is in cropland, thirteen percent in pasture not in forests, and sixteen percent adapted for all other uses. Of 23,000,000 acres of forest land, thirty-nine percent is on farms. Farm land comprising 16,700,000 acres, is divided between pastured forest land, 44%; pasture land, 26%; forest land, 11%; harvested cropland, 10%; and all other, 9%. In 1949, 87% of the land area of Florida was privately owned. The land publicly owned was largely in the public domain of the federal and state governments.

Only a small portion of Florida's soil was ever very fertile. Since much of the land is in sand the rainfall soaks rapidly into the ground and leaches the soil. Forest trees grow rapidly over most of the state, but when the lands are cleared they often make poor farm land. The soils of the clay hills of northern and western Florida and the peat soils of the Everglades are the most fertile in the state. Florida has more land unfit for cultivation without irrigation, drainage, or fertilization than any other state in the eastern areas of the United States.

As already noted, two-thirds of Florida's area is in forest lands. While the pine species predominate throughout the state, the hardwoods species are increasing. Half of Florida's forest lands are rated good or fair for rapid growth of saw timber and the remainder may be used for pulpwood and local lumber markets. Over two-thirds of the forest land is under organized fire protection and a third of all the forest land needs replanting. However, there is now a favorable timber balance; more timber is being grown than is being cut for use.

Water Resources

Florida is referred to as a water-rich state, though the supply of fresh water is never uniform and there have been recurrent periods of flood and drought even within the period of a year. The factor of variability thus necessitates public and private water management operations: disposal of temporary excess waters that cannot be conserved and retention of water during temporary flooding for use in dry months and years. The state's surface and ground waters originate with rainfall, but precipitation conditions are unpredictable in annual amounts and seasonal distribution. The average rainfall ranges from 66 to 45 inches with extremes of over 100 inches to a low of 29 inches. However, two-thirds of the annual rainfall occurs in a four-month period.

The land area of the state is divided into more than 50 stream basins on which 40 to 80 cubic miles of fresh water fall annually. Yet the water resources problems of the state have become increasingly complicated with some of the most destructive floods and some of the worst droughts in the nation. One year much of the flat

sections and river bottoms of the state may be covered with water, and the next year the residents must close windows to keep out the heavy smoke from muck fires. Between 1940 and 1950, over 170,000 acres of cropland and nearly 70,000 acres of pasturage were brought under irrigation; by 1956, 16,000 water control systems were supplying 750,000 acres of farm land with irrigation water. This was in contrast to some eighty local drainage districts organized in the years after 1900 to drain excess water from the land. Thus, flood control measures, and surface drainage to improve the swamp and overflowed lands, channeled most of the water to the rivers and the sea. The result through the years has been a depletion of the ground water supplies when periods of reduced rainfall and irrigation demands coincide.

The Economy

The pattern of economic life in Florida has, in many respects, belatedly followed that of the nation. Throughout most of the 19th century, the economy of agriculture was dominant. Political leadership was largely drawn from planters and farmers, but business and professional interests became increasingly influential after Reconstruction. Railroad expansion, and later highway construction, encouraged citrus and vegetable production, as these perishables demanded rapid transit to northern markets. By the same token, these facilities promoted the ever mounting tide of winter visitors to Florida. Following World War I, and increasingly after World War II, manufacturing became significant in the state.

Florida's economy now stands on three legs: agriculture, industry, and, most important, tourism. The common denominator of all three is the equable climate. The weather draws the tourists, many of whom remain or return as farmers, workers, and businessmen. Modern industry wants to locate where workers are in supply. When a large nylon plant opened at Pensacola there were 65,000 applications for 3,000 jobs.

Florida tourists bring a billion dollars a year into the state. Put another way, the average visitor spends almost \$200! One of every two visitors finds a resort in Dade, Broward, Palm Beach, or Monroe counties, and Miami Beach, with its 400 hotels, 2,100 apartment houses, and 415 swimming pools, alone attracts two million visitors. The $5\frac{1}{2}$ million tourists travel by automobile (71%), airplane (19%), and train or bus (10%).

Meanwhile the oldest segment of the economy continues to expand, and today Florida is the only state with more farms than in 1950. Whereas farm prices and farm income in other areas have receded, prices and income have risen in the state. Florida produces two-thirds of the nation's oranges and four-fifths of the grapefruit; citrus is the \$250 million a year mainstay of the state's agriculture. Contributing to the agricultural economy are the vegetable crops (11% of the United States total), and livestock where income has risen from \$24 million in 1939 to \$117 million in 1956.

Industrial growth since 1946 increased ten percent in the nation, but similar growth in Florida amounted to fifty percent. Between 1939 and 1953, factory output, or value added by manufacturing, was up five times in Florida compared to the national increase of four times. Payrolls from manufacturing were up 525 percent compared to a national increase of 330 percent. In terms of the individual,

national income has risen 263 percent since 1940; in Florida individual income rose 441 percent in the years from 1940-1955.

Basic industries--agriculture, manufacturing, construction, forestry and fisheries, and mining--employed 256,000 or 38% of Florida's workers in 1940; 338,000 and 34% of the workers in 1950. Service industries employed 410,000 and 52% of the workers in 1940; 655,000 and 66% of the workers in 1950. Thus, even with recent industrial growth, employment by service industries has increased more rapidly in order to satisfy the demands of population increase.

Facilities of Transportation

The lack of adequate means of transportation retarded the growth of the state until services of transport beyond the coast-lines appeared. The development of the tourist trade began in earnest with railroad expansion in the 1890's and continues to rest largely on the various means of transportation. Maritime shipping, railroads, and airlines are major segments of the state's transportation facilities. Overland roads and highways, however, are the base upon which all elements of transportation must be integrated.

Public roads and streets total a length of over 54,000 miles: county roads, 31,000 miles; state roads and city streets the remainder. The highways connect 2,000 communities and provide interurban roads for 1,500,000 vehicles of Florida registration and untold thousands of out-of-state vehicles. A new state-long turnpike is authorized; the 110-mile southern end of the road has been opened to traffic. Florida will share in the near future in the national interstate system of defense highways.

Transportation, at first by rail, then by road, and now by air, has been a key factor in development. The railroad reached Miami in 1896; the Miami international airport handles 2.5 million passengers yearly and is a leading handler of air express and freight. The airlines, with their big maintenance shops, have become the largest group of employers in the area.

Speed of travel between New York and Miami has advanced from 37 miles per hour in 1920 on trains to 370 miles per hour by airplane. Similarly, in rail transportation several companies maintain interstate trains from Florida points to the north and middle-west. Overnight fast-freight and express speed produce to market and although railroad trackage has declined, there has been an increase in train miles operated. By train, highway or air Florida is quickly accessible to the nation east of the Mississippi, and to Canada and to Latin America.

Major Problems: Today and Tomorrow

The growth of population in Florida has been little short of sensational: the number of people has virtually doubled every twenty years from 1845 to the present. Such growth has been a challenge and has stimulated change after change. State, city, county, and district governments have been forced to adaptations and adjustments and while the difficult problems of day-to-day life have not been completely resolved, much has been accomplished in the provision of services and

capital outlay for departments and institutions at all levels.

There is little doubt but that continued population growth will force further problems to the point of resolution. Within the next twenty years Florida may have twice the present population. To solve the problems of the immediate future and to provide for the anticipated growth will necessitate much more attention on the part of governmental agencies and private organizations.

Metropolitanism

Probably the most difficult problems are found in the rapidly developing urban sections of the state. In the ten metropolitan areas of the United States of 300,000 population or more, three of the fastest growing are in Florida. In percentage increase in population, 1930-1950, Miami led the nation with 246%; Jacksonville's increase was 96%; Tampa-St. Petersburg's, 90%. Problems in these areas include water supply and sewage and garbage disposal, inadequacy of recreational facilities, slum clearance and public housing, and street traffic. The growth of central and satellite cities promote increased vehicle congestion with consequent accidents and markedly insufficient parking space. Such problems will be further complicated and aggravated until solutions are produced. Within recent years the addition of numerous municipal governments, in addition to the governments of the central city, the county, and several districts, has only made the problems more involved. In solving the traffic problem due consideration must be focused on mass transit, freeways, limited access streets, off-street parking, trucking and transport, buses, and other forms of transportation. In solving the traffic problem, and others as well, efforts have been too widely dispersed; comprehensive effort has not been available from the numerous units of government. Either more cooperation between existing governments or the creation of super-governments with broad areal jurisdiction must follow in order for these problems to be solved satisfactorily.

Natural Resources and Land Utility

With population increase, judgments must be made on land utility. Industry and agriculture, residences and business establishments, parks and airports, highways and armed forces installations all compete for land use. Out in southern California there has been wholesale removal of orange groves to provide room for residences--in Florida there has been room for both, but the real estate pace (home building permits were up six percent in Florida during 1956 while the United States dropped eighteen percent) reflects the state's growth as a market in itself. Residents in urban areas are concerned over the potential loss of land for recreation and farm and dairy installations. Near cities erstwhile farms have been converted into subdivisions and farms discontinued. By way of illustration, a million urban residents require thousands of acres of land for homes, commercial establishments, industrial locations, schools, parks, streets and highways.

Wise use of land in Florida is a relatively recent trend. Soil conservation practices were introduced long after much land was damaged through the one-crop planting of cotton or tobacco. Forests were cut over and left before protective practices and replanting became general. Large sections of the Everglades

subsidized and burned through uncontrolled drainage operations. Thousands of acres lie idle because of lack of knowledge of its ultimate utility or absentee ownership of tracts held for speculation. Education and experimentation must be promoted if maximum use is made of land resources.

Similar activity is almost mandatory in the conservation of all other natural resources. Problems involving water conservation and use furnish an excellent example. Increased settlement in Florida combined with the ever-increasing demands of modern society for more water point up the need for better water control. Serious ground water depletion in urban and industrial sections has ruined well-fields through resulting salt water intrusion. Water pollution from municipal and industrial sources has been controlled but remains a problem with continued growth of population and industry. Paper and pulp mills are second only to steel mills as the biggest industrial users of water per ton of production. Florida's phosphate industry alone uses 75 million gallons of water each day. In 1956 some 16,000 water systems were used to irrigate 750,000 acres of agricultural land. The importance of water for recreational use by both resident and tourist can be measured in the \$380 million that was spent for boating, fishing, hunting, and accompanying recreation on the state's fresh-water lakes and rivers alone.

Increased demands on the natural resources of land, water, minerals, forests, and fish and wildlife illustrate the need for the enactment of policies and programs for wise use and conservation.

Social Resources and Conservation

An interesting study, made by the American Institute of Public Opinion in 1956, revealed that 6,000,000 adults residing in other states thought they might like to move to Florida. Those questioned gave as their reasons for a home in Florida, in the following order: climate, job opportunities, propinquity to friends or relatives, scenic beauty, and lower taxes. Such an influx would require new homes, trading areas, and governmental services and would profoundly affect all state and local programs in planning, financing, and servicing. Since so many of these needs could never be met by individuals, local communities must assume the responsibilities.

As the nation measures its strength in proportion to the health and vigor of the people, public programs in control of disease, elimination of accidents, and availability of medical care assume increased importance. Sanitary water supplies and garbage and refuse disposal are in the same category. Likewise, good housing which contributes to health and comfort, assumes major importance as a problem of private and public agencies. The conservation of the physical and mental health through adequate recreation becomes greater in Florida with the influx of people. Outdoor recreation sponsored through city, county, state, and national parks in Florida provides recreation for millions. Cities and counties are providing recreational programs with playgrounds, beaches, swimming pools, and community centers.

Perhaps Florida's most critical problem in social resources is in public education where the broad aim is to help people to live and work in a changing world. Numerous constitutional and statutory enactments proposed by the legislature

and endorsed by the electorate since 1925, when state aid for common schools was first made available, have not met the needs of the counties where the combination of in-migration and high birth rates have sky-rocketed enrollments. The present problems involve unprecedented demands for buildings, equipment, and teachers. What is true now for the public schools will soon be true for the state institutions of learning. By 1970, enrollments may be double those of 1950--in both common schools and higher institutions. New schools and colleges must be planned, built, staffed, and paid for before the educational crisis is solved.

The material and cultural needs are satisfied from the development and use of resources. Citizens must assume the responsibility that the resources are developed and used without injuring or destroying them. One way to assume this responsibility is through interest in, understanding of, and participation in government. Solving these problems will require broad citizen concern and action working through state and local governments, political parties, and private groups and organizations.

CHAPTER II

CONSTITUTIONAL BASES OF GOVERNMENT

All governments perform their functions under some framework of organization. Among nations and states such a framework is referred to as a constitution. These constitutions contain the principles and rules under which the nation or state has been created and which determine the reciprocal relationships between citizens and the national and subsidiary units of government. Whereas England operates under an "unwritten constitution" composed of charters, bills, and statutes the United States and the forty-eight states possess governments founded on written documents. These constitutions are the basic law by which the multitudinous detail of modern American government is authorized. Among the purposes which our present constitutions serve are: provision for the governmental structure, distribution of powers to the several branches of the government, prohibitions and limitations on the grants of powers, and guarantees and protections of persons and property against seizure by agencies and officers of the nation and the states.

Historical Background

Following the election of Abraham Lincoln as President of the United States the Florida legislature authorized the election of delegates to a Constitutional Convention to consider the position of the state in the union. The delegates assembled in Tallahassee on January 3, 1861 and on January 10 adopted the Ordinance of Secession from the United States. Working intermittently, the convention finally adopted a revised constitution on April 18, 1861. This document provided several modifications of the 1838 Constitution, the most important of which was the change of allegiance to the Confederate States of America.

Four years of war and the dismal conditions which accompanied a decade of military occupation and reconstruction further delayed public and private investments in the state until 1880. During the Civil War and the aftermath of Reconstruction, representative government was largely lost in the contests between conqueror and conquered. The Constitution of 1865, adopted under President Andrew Johnson's plan of reconstruction, proved unacceptable to Congress. Florida was shortly placed in a military district under federal rule and the movement to revise the 1861 Constitution failed temporarily.

In the fall of 1867 an election of delegates to a constitutional convention was held under military orders and control. The delegates convened in Tallahassee in January, completed the revised document in a month, and the electorate ratified the work on May 4, 1868. The "carpetbagger" and "scalawag" Constitution of 1868 was copied, to some extent, from those of several midwestern states. Innovations in the document were found in the executive article and in the expanded articles on education and suffrage. In order to placate the counties of the plantation "black-belt" where Negro voters outnumbered white voters, the governor was given the power

to appoint virtually every state and county officer. This extreme authority of gubernatorial appointment gave rise to considerable antagonism in subsequent years, with the charge that the electorate had been denied the right of self-government.

As public education in Florida had never progressed far beyond a few academies and paupers' schools, the Radical Republicans incorporated constitutional guarantees for the establishment of a system of free public schools for all of the people of the state, regardless of race or former condition of servitude. The 1868 Constitution also guaranteed the right of suffrage according to the Civil War amendments to the federal Constitution. Homestead exemptions from taxation were also introduced in this document for the first time.

Present Constitution: 1885, As Amended

With the restoration of the "Conservative Democracy" (partial white supremacy) after the inauguration of President Rutherford Hayes in 1877, agitation for a new constitution to replace the "carpetbag" Constitution of 1868 stemmed from the compromise in that document which empowered the governor to appoint between twelve and thirteen hundred state and county officers in the state. With the rapid growth in population in many counties through immigration, especially in the peninsular counties, the demand for home rule and more representative government forced the hand of the 1883 legislature into placing the question of a constitutional convention on the 1884 general election ballot. Further opposition to the 1868 Constitution came from the provisions for universal suffrage, the absence of a prohibition against the bi-racial marriage, and the lack of provision for the segregation of the races in the public educational systems.

While the Constitutions of 1868 and 1885 are alike in fundamental principles, many changes in detail are apparent. Some observers have referred to the earlier document as undemocratic and unrepresentative, and to the later document as democratic and representative. An analysis and comparison of the two constitutions leads to the conclusion that such statements are both true and false, and are generally matters of opinion.

The legislative articles of the two documents are almost identical, and although the systems for apportionment of legislators varied, the end results were practically the same. However, the 1868 document provided for annual legislative sessions whereas the 1885 document provided for biennial legislative sessions.

The changes in the executive article of the 1885 Constitution were more pronounced: the governor was prohibited from immediately succeeding himself; and, the office of lieutenant governor was abolished and the line of succession to the governorship reverted to the President of the Senate and the Speaker of the House of Representatives. Whereas section one of the executive article created a "Chief Magistrate" who was vested "with the supreme executive power," sections twenty through twenty-six of the 1885 Constitution provided for the popular state-wide election of six lesser magistrates (administrative officers) also endowed with executive power. These officials, appointed by the governor under the Constitution of 1868, comprise the so-called "Cabinet:" secretary of state, attorney general, comptroller, treasurer, superintendent of public instruction, and commissioner of agriculture.

Changes in the judicial branch were reflected in the provisions whereby, under the newer document, the judges of the Supreme Court were placed on an elective basis as were the county judges, but the judges of the Circuit Courts remained under the system of appointment by the governor.

A significant change in the 1885 Constitution related to the elimination of the literacy qualifications for voter registration which had appeared in the 1868 document. The 1885 Constitution, however, gave the legislature the power to "make the payment of the capitation tax a prerequisite for voting." The payment of the capitation, or poll, tax as a requirement for voting was added to the election laws by the Legislature of 1889 and continued until its abolition in 1939. The addition of the poll tax and other changes in the election laws were of sufficient effect to reduce the number of votes for Republican Party candidates from 26,500 votes in the election of 1888 to 4,700 votes in 1890.

Form and Content

The Constitution of 1885 was ratified at the general elections of 1886 and went into effect on January 1, 1887. The document is over seventy years old and has been amended 106 times. Its present form, well over half of which has been added by amendment, is outlined as follows:

Declaration of Rights

Contains the guarantees of civil rights and civil liberties.

Article I. Boundaries

Delineates the state lines or boundaries.

Article II. Distribution of Powers

Principle of traditional separation of powers is established for the three branches of government.

Article III. Legislative Department

Creates bicameral legislature comprised of 38 senators and 95 representatives.

Article IV. Executive Department

Creates governor, other executive officers, boards, and agencies and delineates their powers and duties.

Article V. Judicial Department

Creates supreme court, district courts of appeal, circuit courts, county courts, and defines their jurisdiction.

Article VI. Suffrage and Eligibility

Provides for voting qualifications and election laws.

Article VII. Census and Apportionment

Provides for state census and the apportionment of members in the legislature by districts and counties.

Article VIII. Counties and Cities

Creates counties, city charters, boundaries, powers, and other items of local government.

Article IX. Taxation and Finance

Defines what can be taxed, lists exemptions and prohibitions, provides for tax assessment and collection.

Article X. Homestead and Exemptions

Defines homesteads and lists tax exemptions appertaining thereto.

Article XI. Married Womens Property

Article XII. Education

Provides for public education, school funds, districts, bonds, and institutions of higher learning.

Article XIII. Public Institutions

Eleemosynary institutions, prisons, and public welfare.

Article XIV. Militia

Provisions for state militia and National Guard.

Article XV. Public Health

Article XVI. Miscellaneous Provisions

Provisions relating to state capitol, paths and salaries of officials, state flag, state seal, and other matters.

Article XVII. Amendments

Proposal by legislature and approval by voters; constitutional convention for revision.

Article XVIII. Schedule

Process for ratification and effectuation of the Constitution.

Article XIX. Local Option

Provisions for opening or closing counties to sale of intoxicating liquors.

Article XX. County Officers

Contains provisions for consolidation of certain offices in Orange County.

Constitutional Changes: 1887-1957

The present constitution has been changed many times since 1887: 158 amendments have been proposed and 106 of these amendments have been ratified and placed in the document. The amount of material added by patch-work amendment is almost two-thirds of the bulk of over 35,000 words. Eleven proposed amendments appeared on the general election ballot in 1952, there were seven in 1954, and eleven again in 1956. The present constitution has become a somewhat incongruous group of articles and sections comprising localized, sometimes inconsistent, and often unwieldy provisions. The majority of the amendments which have been added since 1885 concern minutial rather than the larger issues facing our dynamic and rapidly growing state and its 600 subdivisions of county, city, and district governments.

The Florida Constitution may be amended in two ways: proposal by three-fifths of all the members of the legislature and ratification by a majority of the voters, who approve the proposal, at the next general election, and an emergency method added in 1942: proposal by three-fourths of all the legislators and ratification at a special election in not less than 90 or more than 180 days or at a general election which might fall within the same time period. Prior to 1948 an amendment was restricted to one subject and amendments could pertain to only one section of an article. In that year the voters approved an amendment which allows a single proposal to embrace an entire article. Although several attempts were made in the legislature to propose a revision of a whole article, the first amendment of this type was not submitted until 1956. Revision of the constitution through the article-by-article method, under the supervision of the legislature, has gained support in governmental circles and with the general public.

Changes in the Florida Constitution by amendment have been made with comparative ease and this has given some flexibility to the 71-year-old document. This ease of amendment has served, in part, to block needed revision of the entire constitution. And, the amendment provisions are indicative of an inherent weakness: the process has resulted in frequent minor changes to carry out the governmental activities required in a growing state, while each amendment in turn generally increases in length and adds to the drafting faults of the whole.

A complete revision of the Florida Constitution by a convention specifically elected for that purpose would be a much more desirable method. In a convention all of the document would be studied and brought into adjustment. The difficulty of the mechanics of calling a convention has served to inhibit this method: two-thirds of all the members of the legislature must propose the question of the convention to the voters of the state. The voters must approve the convention question and the succeeding legislature must then pass the necessary statute authorizing an election of delegates to the convention which shall meet to consider revision. There are, however, no requirements that a revised document should be submitted to the electorate for approval. This omission of a referendum by the people on the work of a convention has been another roadblock to revision in Florida through a constituent assembly.

The job of constitutional revision poses obstacles that have been hard to overcome: undue reverence for the past, fear of the loss of existing privileges, fear of "radical ideas," and desire for the maintenance of the status quo. The time for revision is never ripe for some; if conditions are favorable, why rock the boat? If conditions are bad, revision should not be undertaken until the difficult times have passed. In Florida, objections to revision have been based on the apportionment of delegates to a constitutional convention who would be elected on a plan similar to the present apportionment of the lower house of the legislature. Other objections have been voiced with fears that existing guarantees to persons and to the counties might be changed and that constitutional tax exemptions might be abolished. These fears are not new: Thomas Jefferson wrote in 1816 that he was "not an advocate of frequent changes, but laws and institutions must go hand in hand with the progress of the human mind."

Need for Revision of the Constitution

The need for constitutional revision in the states has been recognized in recent years as seldom before in American history. Georgia and Missouri adopted new constitutions in 1945, New Jersey in 1947, and Tennessee, a limited revision in 1953. Delegates to conventions in Hawaii and Alaska drafted proposed state constitutions in 1950 and 1956, respectively. Constitutional revision is being urged actively in most of the rest of the states since few of them have been fully changed to meet the demands of our increasingly complex social and economic life of this modern day. Few have been adapted to this age of automation, urbanization, atomic power, hydrogen bomb, and communication by micro-wave and television.

Present weaknesses of the Florida Constitution include a poorly apportioned legislature, decentralized executive department, confused court system, antiquated provisions for county and city governments, and provisions for amendment which preclude wholesome revision. The present Constitution was written by a convention that assembled when the dominantly rural population of the state numbered but 338,400 who resided in 45 counties, and the three largest cities contained only 12 percent of the people. There are now 67 counties and the population approaches 4,000,000, of whom almost three-fourths reside in dominantly urban and metropolitan areas. But the constitution, as written in 1885, continues to provide a seventy year old organization for state and local governments. There were so few functions

of the state in 1885 that the state treasurer disbursed a mere \$546,000. Now, the disbursements of the state are over \$7,000,000 annually. As noted, however, the framework of government is much the same as originally and the provisions for government are as remote from the complex problems of contemporary society as the expenditures of today are from those of 1885.

Issues Involving Revision in Florida

In attaining a length of over 100 pages the Constitution of Florida of 1885, as amended, contains outdated, incongruous, and contradictory provisions. Several elements of the document, however, such as the distribution of powers, the Declaration of Rights, and other long-standing principles of the American democratic and representative system are indisputable. Nevertheless, numerous restraints as those upon the legislature in regard to governmental structures and financial operations, have been locked in the Constitution and are beyond the reach of the legislature, the governor, and the courts. Thus, the only recourse for change to meet modern problems is to further amendment, an expedient which seldom integrates the new with the old, but rather adds to the already overburdened organic law of the state.

A major issue involving revisions concerns the functioning of the legislature, the potentially representative body which should be the heart of the democratic process. Among the amendments added since 1885 are many which include statutory details; such items would be much better covered in general terms in the basic law with the details to be enacted, from time to time, as statutes by the legislature. These restraints bind the legislature and prohibit action for modernization and the elimination of overlapping services. The restrictions of biennial legislative sessions limited to 90 days out of 730 produce a mass of bills fluttering through the senate and the house like confetti. From roughly 5,000 bills introduced into each regular session of the legislature there is a resulting product of 1,500 laws, over half of which are general acts.

The reorganization of the executive department and the administrative agencies is likewise involved in the issue of revision. The responsibilities of the executive branch are divided between the governor, six administrative officers, and 100 other boards, commissions, officers, and agencies with but little integration or coordination of their activities. The need for modernization of the court system is illustrated in the organized confusion of the judicial article which authorizes a dozen separate kinds of courts. As existing courts have become overloaded in their dockets new courts have been established on both a state-wide and a county-wide basis without consideration of their suitability, or even desirability, in view of the need for overhauling and streamlining the judicial branch. The recent addition of three district courts of appeal added further to the existing complexity and did little to offer the citizenry adequate and rapid access to adjudication.

While amendments have been added at the rate of almost three every biennium, the provisions for county, city, and district governments remain almost as formal as in 1887. Outlines for local government have been frozen and have inhibited change to the extent that home rule and self-determination have been practically precluded in Florida (except for the 1956 Amendment affecting Dade County). No

answers to the multiplying problems of city-county relations, reorganization of local governments, reallocation of functions, or planning are available from the amended constitution. True, many amended sections applying to single counties have been ratified because general enactments for local government modernization have never been adopted. Other issues involving revision form a list which should include fiscal management, impartial tax administration between counties, and consideration of state activity in education, business, labor, welfare, and other functions.

Efforts Toward Constitutional Revision

Recognition of the need for the continuance of the principles of representative government together with the need for desirable constitutional revision prompted the Florida State Bar Association to appoint a Committee in 1947 for these purposes. This Committee prepared and published two drafts of A Proposed Constitution for Florida. In 1950, the Committee submitted a revised Article V, pertaining to the judicial department, to the Bar Association which approved the revision. The draft was introduced into the 1951 Legislature, but failed of passage as a proposed amendment.

Although the proposed constitution written by the Bar Committee was favorably received, there was no citizen's organization to sponsor the revised draft before the people of the state. For several years the League of Women Voters of Florida had been interested in revision as a part of the organization's program. Under the leadership of this group a Citizens Constitutional Committee of Florida was organized in 1950. General meetings were held annually, 1951-1956, in several areas of the state and the group sponsored a program of research and publishing to promote the cause. The Citizens Constitution Committee sponsored revision proposals at the 1951, 1953, and 1955 sessions of the Legislature.

By 1953, recognition of the need for revision in the State's Judiciary led to the creation of a Judicial Council by the Legislature. The Council, including more laymen than judges and lawyers, found that the administration of justice in Florida was both a lengthy and an expensive process in court trials and appeals, especially in the Supreme Court. The work of the group was first concentrated on the creation of appellate courts to expedite the course of justice. A measure toward this end was introduced, by the Council, in the 1955 Legislature and the electorate ratified a proposal to establish three district courts of appeal at the 1956 general election. Meanwhile, the Judicial Council continues its program for the improvement of the state court system.

The rapid settlement and resultant creation of municipalities and districts in Dade County has produced many governmental difficulties in the Miami metropolitan area. Several amendments, all locally defeated, had been proposed for home rule for cities, districts, and county in the Dade section. By 1955, through the efforts of the Dade County Research Foundation, the Metropolitan Miami Research Board, the University of Miami Committee on Municipal Research, and the Metropolitan Miami Charter Board, a proposed home rule amendment for Dade County was passed by the Legislature, adopted by the voters of the state in 1956, and activated by a referendum in May, 1957.

In the several election campaigns for the gubernatorial nomination for the past ten years numerous candidates have advanced plans for the ultimate revision of the State's basic law. Among other proposals several candidates had recommended the creation of a statutory constitutional advisory commission, a measure which had been supported in the 1951 and 1953 Legislatures by the Citizens Constitution Committee. The proposal was again introduced in the 1955 Legislature and was enacted into a law which created a 37 member group authorized to prepare a draft of a revised constitution to be presented to the 1957 Legislature. The Commission was organized in June, 1955, and began its work. After meetings and hearings over the state the Commission prepared a revised draft of the constitution for submission to the 1957 Legislature.

Florida can continue to function without modernizing its Constitution, but there can be little doubt that more efficient and economical government would follow the adoption of a document better designed for a modern and dynamic state. Such a document could continue all the desirable features of representative government in the present Constitution and also include provisions for up-to-date methods and techniques to improve the management of the state and its cities, counties, and districts.

Intergovernmental Relations

Under the Constitution of the United States, written by the Convention of 1787, the national government was endowed with delegated powers (and in the intervening years, those implied from the delegated). Whereas the state constitutions have generally served as limitations of power, the national Constitution has seemed to delegate power. Among the powers delegated to the national government are those to tax, to regulate interstate and foreign commerce, to coin money and regulate the value thereof, to conduct foreign affairs, and other important matters.

The sphere of powers remaining to the states is found in the "yardstick" of the tenth amendment to the federal Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." With the increasing complexity developed in all levels of government through the years state activities have more and more been based on the police power to regulate and to protect health, safety, morals, and welfare of the people. In some areas of activity all levels of government participate concurrently as in revenues and finance. States create, alter, and abolish counties, cities, and districts; supervise the electoral process; regulate business and labor; and maintain the social order through the civil and criminal statutes. Obviously, the state and local governments operate within the limits of the federal constitution and the powers and liberties defined therein.

Federal-State Relations

The clearest illustrations of federal-state relations under the American system are found in the duties of the states to provide the major officers of national government. First, within the limits of the fifteenth and nineteenth amendments, the states determine who shall be allowed to register to vote. Second, the states conduct the elections for the President and the Vice-President and the

members of Congress. Also, the states virtually determine the course of constitutional amendments as one of the two methods of proposing amendments and the two methods of ratification of amendments depend upon the favorable action of a large majority of the states.

Another illustration of the federal-state relationship is found in the constitutional guarantee of the national government to maintain a republican system in each state. There has been no real agreement as to what constitutes a republican form of government other than one in which the laws are enacted and executed by elected representatives or in a democratic manner. The judiciary has held this to be a political guarantee and has vacated the field in deference to congressional authority to recognize senators and representatives or presidential authority to settle disputes between local groups through resort to armed force to "restore order."

Other guarantees in the federal-state association include those of protection against foreign invasion and domestic violence. Whereas the duty of the nation in case of invasion is clear, the course of action in the case of a domestic problem theoretically is predicated upon a call for assistance by the state's governor or legislature. However, on occasion the federal government has intervened without a request from state officials. Thus, in 1894 President Grover Cleveland broke the Pullman strike with federal troops even though the governor of Illinois was opposed to the action. Cleveland was reputed to have said the "the United States mails will go through, if only a postal card."

The admission of new states is dependent upon congressional pleasure. When new areas have been acquired by the United States a territorial government is organized, as was the case in Florida in 1821-1822. Entrance of a territory as a state has been based on the progress of settlement and government in the territory. Under the Constitution, no state may be divided without its consent although academicians continue to argue the case of the separation of Virginia and West Virginia. Likewise, each state is assured of equal representation in the Senate, a guarantee not to be denied without the state's consent. With the adoption of the eleventh amendment in 1798 the states were apparently made immune from suits by individuals in the federal courts.

State-Federal Relations

Under the federal constitution each state is required to give full faith and credit to the public acts, records, and judicial proceedings of every other state. Thus, states generally recognize the laws, pardons, charters, deeds, court decisions, and records of other states. In this respect Florida occupies a peculiar position on account of the millions of persons who visit here. Divorce suits, judicial proceedings, and property rights involving those who establish residence in Florida are sometimes questioned by officials in other states. Nonetheless, Florida permits the operation of many businesses chartered in other states, recognizes the vital records of other states, and enforces civil judgments from the courts of other states.

Another obligation of Florida to the citizens of other states is to grant the privileges and immunities of the citizens of the several states. This

provision, despite a long list of exceptions, assures citizens of Florida that they may enter other states and enjoy rights as to protection, residence, litigation, tax equality, business, and labor matters. The rights as to privileges and immunities have been limited by both statute and court decision. Establishment of residence may require a period of time before immigrants may vote, hold office, enter some vocations or professions, enter state institutions whether eleemosynary or educational or others, and secure resident hunting and fishing permits.

The states are also obligated to return criminals who have escaped punishment in one state to the state from which the individual has fled. If law enforcement officials find an escapee is in Florida, formal request for his removal or extradition is made to the governor at Tallahassee. The governor will usually ask the attorney general or other prosecuting official to investigate the case and determine whether or not the request should be granted. Such requests are generally granted, but if the governor refuses, there is no recourse to the courts to force his hand. A new governor can be requested to review the case and may grant extradition of the escapee.

Prohibitions upon the States

The prohibitions or limitations upon the states are specific and are generally absolute. Control over foreign affairs, coinage of money, interstate commerce, taxes on imports, and many civil liberties is in the hands of the federal government. Historically, the first ten Amendments, often called the Bill of Rights, applied only to the federal government. However, the passage of the fourteenth amendment in 1868 has resulted in the imposition of many of these limitations upon the state governments.

The first section of the fourteenth amendment defined citizenship and further stated three provisions to protect civil rights: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The subsequent interpretation of this amendment by the United States Supreme Court in cases involving appeals from state courts has greatly enhanced the power of the national government at the expense of the historic rights of the states. In essence, federal review of state legislation and adjudication under the due process clause of this amendment provides federal supervision of state actions along procedural lines and federal review of state laws along substantive lines. In addition, "liberty" and "property" now include freedoms of contract, speech, press, education, and religion.

American Federalism in Transition

American federalism, to the conclusion of the Civil War, was much simpler than today. What was a national function and what was a state function in 1860 were fairly well delineated. From 1865 to the present numerous means and methods have been introduced by the national government which have permitted its entrance into and control of activities which formerly were in the realm of the residual

powers of the states. In addition to increased federal power under the fourteenth amendment, the use of the device of the "grant-in-aid" from the national capital to the state capitals has severely altered American federalism. Through the appropriation of federal funds for public works, housing, education, and social security on a grant or matching basis the states have been encouraged to meet conditions imposed by the grant. The grant-in-aid device, and subsequent expansion of federal power, is defended with the argument that these activities vitally affect the national interest and that national standards can be raised in this manner. Those who oppose the grant-in-aid method often base their reluctance, not so much on accepting the grants, but on the ensuing control gained by the national government over the states.

In 1955-1956, Florida received \$67,000,000 in aids and donations from the United States government. The majority of these funds was used in the public welfare and highway programs of the state. The remainder was divided between programs for agriculture, education, forestry, conservation of wild life, National Guard, public health, and unemployment compensation administration. The aid to Florida already mentioned does not include federal relations with municipalities and some other units of local government. In the fields of public works, housing, and airport construction considerable amounts of federal aid have passed directly to the units concerned. Thus, in public housing projects where cities have been unable to assess and collect taxes for municipal services "in lieu payments" have been made as compensation.

Other means and methods for increasing federal control are found in the device of federal credits for state taxation. Such devices fall into the "persuasive legislation" passed by Congress to encourage the states to follow with similar laws. For many years the estate or inheritance tax was prohibited in Florida, but in 1924 when the national government inaugurated a system of allowing as much as eighty percent credit for a state inheritance tax payment the Constitution was quickly amended to secure the benefits of the federal law. Likewise, when the tax offset device was used in 1935 in connection with social security legislation, the Constitution was again amended. Unemployment insurance laws levied a federal tax on payrolls to be paid by employers, but on the creation of an approved state unemployment system the federal government waived ninety percent of the tax and returned ten percent to the states for administrative expenses.

In some cases federal laws have been passed to assist law enforcement in the states. Congress has tightened control over interstate commerce to assist states in the intrastate control of alcoholic beverages, tobacco products, petroleum products, gambling machines, and other goods. Numerous federal agencies conduct research and provide information for state and local governments and officials are often hired on a joint federal-state arrangement. Joint federal-state-local participation in reclamation and flood control has been of increasing importance in recent years. Federal participation in flood control around Lake Okeechobee after the disastrous 1928 hurricane was increased to cover seventeen southeastern counties after the 1947 floods.

Relations Between the States

Under the federal Constitution of 1787 the treaty-making power with foreign nations was given exclusively to the federal government and formal agreements between the states (called compacts) required the approval of Congress. Little use was made of the compact by states until 1900. Since that date over one hundred compacts have been approved by Congress. Among these Florida has been a signatory to agreements covering compacts on civil defense, oil, fisheries, regional education, and supervision of parolees and probationers.

In 1892, the group now known as the National Conference of Commissioners On Uniform State Laws was organized to promote order out of the chaos of the differences between the statutory codes of the states. In 1895, the legislature created the Florida Commission for the Promotion of Uniformity of Legislation in the United States. Florida has enacted many of the acts approved by the National Conference and in 1953 enacted a model law on bribery in athletic contests which was sponsored by the Conference.

Much uniform action has been obtained in administrative areas through inter-state meetings and organizations at all governmental levels. Florida officials have consulted with and reached agreements with those of other states and the nation. Participation in such groups as the Council of State Governments and southern regional governor's meetings has resulted in much inter-state cooperation.

Florida has, from time to time, been involved in numerous disputes with her sister states. The dispute with Georgia over a common boundary began with the accession of Florida as a territory. The recommendations of a commission appointed in 1846 were finally accepted by Florida in 1861 and Georgia in 1866. An Alabama-Florida boundary dispute was settled in 1847. A dispute over the shipment of Florida cattle infested with ticks resulted in an embargo on stock transfers in 1930. Similar arguments over milk and fish shipments have arisen with Georgia and over citrus plant and fruit shipments with California. These disputes have been amicably settled, usually after a series of negotiations between the officials of the states concerned.

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CHAPTER III

THE ELECTORAL PROCESS

Democracy in government is the living, changing expression of its citizens on matters of public concern. In large governments it is necessarily achieved, if at all, through the electoral process. The degree to which it may be achieved, given a citizenry capable of living under it, is determined by the efficiency of its electoral process.

The electoral process is the vehicle of Democracy. The fuel for the vehicle is the spirit of freedom. The passenger list is an exclusive one, selected according to state and federal constitutions, with rules for travel laid down by statutes.

In the United States determination of "who" shall vote (the passenger list) is left in large measure to the individual states. In Article I, Section 2 of the National Constitution and in the Seventeenth Amendment, the authors provided that in the selection of members of Congress "the electors in each state shall have the qualifications requisite for election in the most numerous branch of the State legislatures". However, two other amendments impose definite restrictions on the freedom of the states in defining the electorate and apply to the election of both state and federal officers. The fifteenth amendment originally aimed at extending the suffrage to former negro slaves, provides that the right to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." In similar terms the nineteenth amendment provides that the right to vote shall not be denied or abridged because of sex. The provision of Article VI of the Florida Constitution restricting the right of voting to "male" persons is therefore effectively repealed.

Florida places restrictions on the exercise of the suffrage which are similar to those of most of the other forty-seven states. The minimum age for voting is twenty-one, in spite of biennial efforts to submit a constitutional proposal for lowering that age to eighteen years as has been done in Georgia and Kentucky. In addition, an elector must be a citizen of the United States, have resided in Florida one year and have lived in the county where he desires to vote for six months. Having met these requirements, however, a person may be disqualified from voting if he is under guardianship, non compos mentis or insane, or has been convicted of a felony and not had his civil rights restored. Theoretically, a person making a wager on the outcome of an election may forfeit his right to vote, but because this disqualification only follows conviction, it is seldom imposed.

Like those of most other southern states, Florida's Constitution grants to the legislature the "power to make the payment of the capitation (poll) tax, a prerequisite for voting," but since 1939 it has not exercised this power and no poll tax is levied in Florida.

In the vehicle of democracy which we have defined the electoral process to be the registration system is the chassis--it supports all the rest. There are two general systems of registration: (1) permanent; and (2) periodic. Both types are currently found in Florida, but as a result of legislation passed in the 1949 and 1951 sessions of the Legislature all counties must be under a permanent system of registration by 1960.

Under a permanent system of registration a voter needs to register but once. When he has done so, only death, disqualification, change in residence, or failure to respond to inquiry from the supervisor of registration will cause his name to be removed from the registration rolls.

The principal difference between the periodic system and the permanent system of registration is that, under the former, the voter must re-register at periodic intervals. In Florida counties and cities where such a system is now in use the period of re-registration is generally two years. Failure to re-register as required will cause the voter to be ineligible to participate in subsequent elections until his registration is renewed.

A permanent system of registration obviously promotes larger participation by otherwise qualified electors, because forgetfulness and inconvenience at the time for registration are not factors. Advocates of periodic registration, while admitting this to be true, claim that election rolls are cut down by the necessity for re-registration to those citizens who value their franchise enough to protect it. In Florida for the time being, at least, this argument has lost.

Any permanent system of registration has certain inherent drawbacks. In metropolitan areas (where most Floridians live) it is almost impossible to keep the registration rolls up to date because of unreported deaths and transient populations. Such a situation creates the opportunity for unscrupulous political elements to resort to the practice of using "floaters," or "voting the graveyard." In some elections a slogan that would have been humorous if it were not tragic has been "vote early and often."

Initial registration on the part of an otherwise qualified person takes place in the office of the Supervisor of Registration. The applicant must subscribe to an oath that he, or she, has met all the requirements of law, that he will uphold the Constitution of the United States and that of the State of Florida. The applicant may also be required by the Supervisor to declare his status as a freeholder. If the prospective voter is desirous of participating in primary elections, his party preference must also be recorded. At any later time the voter may change his party affiliation, except during the period of thirty days prior to the holding of a primary election. Following completion of these formalities, the applicant is issued a registration certificate by the Supervisor and is then a duly qualified elector.

Florida's new election law provides that in January of each year in which a general election is held the Supervisor of Registration shall mail, either to all voters or just to those who have not voted for two years, an inquiry as to the elector's status. The elector must respond to the inquiry within thirty days or have his name temporarily removed from the registration books and posted at the

courthouse. To restore his name the elector must, in person, make known to the Supervisor of Registration that his status has not changed. By this method it is intended to keep the registration rolls up to date and, for the most part, avoid improper use of the ballot.

The registration machinery in each county is under a Supervisor of Registration who is elected by a popular vote for a four-year term. He is required to appoint such deputy supervisors as are necessary, to keep his office (and such auxiliary offices as necessary) open for registration during normal business hours at all times except for thirty days before and five days following an election, and to keep such offices open until 9:00 p.m. once or twice a week thirty to sixty days before closing them for the first primary.

Nominations

Nominations are probably the most important part of the electoral process. The history of the United States was substantially changed (for better or for worse, when Florida and other southern states relinquished the veto power over Democratic presidential nomination in 1936. A boss of a large northern city machine once stated: "I don't care who does the electing as long as I do the nominating." In most of the cities and counties of Florida nomination is tantamount to election.

The convention system of nominations has completely disappeared in Florida. Primary elections are held for the purpose of nominating party candidates for public offices and for selecting party officers, and as major parties both the Democratic and Republican parties are required to make nominations in that fashion. Minority political parties are authorized largely to govern their own processes of selection.

In most areas of the state the Republican party is not a factor in state and local elections, although the Republican candidates for president and vice-president have three times secured the support of a majority of the voters. On the other hand they have become a substantial factor even in local elections in some of the metropolitan areas, particularly in the center and south of the state, and will probably continue to grow in importance.

Three descriptive terms may be applied to Florida's primary system. They are "direct," "partisan," and "closed." A direct primary is one in which the people vote directly for party nominees, not for an intermediary who will in turn choose the nominees. All of Florida's primaries are direct with one exception--the presidential primary, in which delegates are chosen to attend the national nominating convention. In this case, the people vote for delegates to the convention of their party, and the delegates in turn nominate the party's presidential and vice-presidential candidates. Even here the primary approaches being direct in that each slate of delegates is authorized to designate the candidate it proposes to support for president, no more than one slate being allowed to select any particular candidate.

A partisan primary system is one under which a candidate for nomination must declare his party affiliation, and is eligible to receive the nomination only from his declared party. Florida's primaries are not only partisan-- a candidate for the nomination must take an oath that he voted for at least ninety percent of the party's candidates in the last general election, and that he would do so at the next.

Florida's primaries are also closed. A closed primary system limits participation to declared party members. To be eligible to participate in primary elections the voter's preference must be on the registration rolls, and he can participate only in the primary of the party for which he indicated his preference.

The first party primary is held on Tuesday eight weeks prior to the general election in even numbered years--normally the first or second Tuesday in September. To be declared the party's nominee for a particular office a candidate must receive a majority of votes cast for that office. If no candidate receives a majority, then a second primary or "run-off" election follows five weeks prior to the general election, in which only the two candidates receiving the greatest number of votes in the first primary (or three, if there was a tie) are eligible to enter. In this second primary the candidate receiving the larger number of votes is declared nominated.

A prospective candidate generally experiences little difficulty getting on a primary ballot. He must subscribe to the "loyalty oath" of his party, and pay a filing fee equal to three percent of the annual salary of the office for which he is to be a candidate. In addition to this the party may assess the candidate an amount up to two percent of the annual salary. The total five percent thus collected is paid to the executive committee of the major party to which the candidate belongs, to be used by it for party expenses. Having completed the above formalities within the prescribed time, the candidate's name will be printed on the official primary ballot of his party.

The Presidential Primary

Florida's presidential primary deserves special notice as it is new, different, and generally considered to be one of the best in the nation. Short of a direct primary, it probably allows as much voter participation in determining who shall be party nominee as any system devised. Passed during the 1955 session of the Legislature, it replaces a jumbled and confused structure which on the one hand allowed voters to express a preference as to the party's nominee for president and yet was totally un-related to the selection of delegates to the national party convention; and which permitted a candidate's strength to be so divided by competing slates, all under his name, that the most popular candidate might well end up out of the running.

Under the new law, and assuming that candidates for the party's presidential nomination are known in advance, slates of delegates are filed in support of a candidate with Florida's Secretary of State not earlier than seventy-seven days, nor later than sixty-three days, before the first primary. A slate of delegates proposing to support a candidate must contain the number of names equal to the number of delegates to which a party is entitled --one man and one woman from each congressional district, and the rest from the state at large, one-half men and one-half women.

The new law does not require that a slate of delegates indicate a choice as to its candidate and such slates may appear on the ballot as "No Preference" delegations. Nor is there any limit to the number of "No Preference" slates that may appear on the ballot.

In most instances, however, each major candidate for the party's presidential nomination will have a slate of delegates representing him on the ballot. In the event two slates of delegates file for the same candidate, only the first to file will appear on the ballot unless the candidate chooses a slate other than the first file. No person may appear on more than one slate. Each group of delegates must choose one of its number as its organizing chairman, and he is identified as such on the ballot.

To avoid possible confusion on the part of the voter the name of the candidate for the presidential nomination appears on the ballot followed by the names of the organizing chairman, delegates-at-large, and the district delegates. Voting is for the entire slate and only one mark is made on the ballot. The slate receiving the greatest number of votes (a plurality) on a state wide basis receives all the delegates at large. However, unless the slate has been victorious in all of the district races, opponents may also elect delegates from the districts. It is entirely probable therefore, that Florida's delegation to the national nominating convention will be split among two or more candidates, and since the state has not adopted the unit rule, will split its vote in the national convention. However, it is also assured that the candidate receiving a plurality of votes in Florida will have a majority of the delegation.

Elections

Besides the primary elections, three other types of elections are found in Florida. These may be classified as (1) general; (2) special; and (3) municipal, and each must be treated separately.

General elections are held on the first Tuesday after the first Monday in November in even-numbered years. It is at these elections that county, state, and federal officers are chosen from among the primary nominees. Since the Republican party is not fully developed in Florida, it is not uncommon to have only the Democratic party nominee listed on the general election ballot for a particular office. Token Republican opposition may be present however, especially for offices of higher rank such as Governor or United States Senator.

Participation in general elections is nevertheless important. Besides electing public officials, proposed amendments to the state constitution must be submitted for voter ratification at this time. Other public measures relating to county or municipal government may also appear on the general election ballot. And since Florida has shown a marked tendency to vote for the Republican nominee for President, the general election has become increasingly significant.

Presidential elections in Florida are handled much the same as in other states. State executive committees for both major parties select persons who are nominated as "electors" and the list of both Republican and Democratic party

are appointed by the governor. However, the names of the electors do not appear on the general election ballot; only the party nominees for president and vice-president. While the voter appears to be casting his ballot for the party's nominee for president and vice-president, he is actually voting for the party's slate of electors. The party receiving the greatest number of popular votes following the official canvass has its entire slate of electors designated as the official slate. These electors in turn cast their ballots for the party's nominees for president and vice-president.

Special elections may be held in Florida for a variety of reasons. Not only is the Governor authorized to call special elections but also this power is vested in certain local authorities. Special elections may also be called in certain cases following petition of a certain percentage of the electorate. Some of the more prominent reasons for calling special elections are as follows:

1. When the Board of County Commissioners or governing authority of a district or municipality decides to refer the matter of a bond issue to the voters in its area of jurisdiction.
2. When there has been no choice of an officer who should have been elected at the general election.
3. When the legislature passes some form of special legislation that does not go into effect until approved in a special election by the voters in the area to which the legislation applies.
4. When a vacancy occurs in the office of state senator or representative in the state legislature.
5. When twenty-five per cent of the voters in a county indicate by petition a desire to express themselves on local option regarding the sale of alcoholic beverages.
6. When the legislature by a three-fourths vote of the members in each house proposes an amendment to the State Constitution as an emergency measure. This proposal must be submitted for voter ratification in not less than ninety or more than one hundred eighty days following proposal by the legislature.

In addition to the foregoing a few Florida cities may hold recall elections, and other provision exist at the local level for the establishment of special school districts, erosion districts, water conservation, and mosquito control districts.

Municipal elections are held separately from state and county elections, the date being set by the municipal charter. Each city keeps its own list of registered voters although under recent legislation the municipality may use lists furnished by the county supervisor of registration. In most cases municipal elections are non-partisan although this should not suggest an absence of factions. In some areas such as Pinellas, Sarasota, and Broward Counties, the Republicans have entered slates of candidates in municipal elections with some success. If

the municipality has a party executive committee this group is usually authorized to call primary elections. Where a municipal party committee is non-existent, this function is performed by the county executive committee.

Election Procedure

Each county is divided into precincts with at least one polling place in each precinct. In all state elections the polls are open from 7:00 a.m. to 7:00 p.m. The Board of County Commissioners appoints two election inspection boards for each precinct. Members of these boards must be chosen from the two major political parties and must also be residents of the precinct. The first board conducts the voting and the second counts the votes. All political parties and individual candidates are permitted to post watchers at the polls to observe the conduct of elections. A Deputy Sheriff is also present at each polling place to insure that order is kept and that there are no violations of the law.

The means by which the voter identifies himself, receives his ballot, marks it, (or uses a voting machine) are carefully spelled out by law. Voting must be done in secret and the voter must be apparently free of all compulsions.

Upon presenting himself at the polling place the voter must identify himself at the registration table. If his name is not duly entered in the registration books he cannot vote. Once his name is found, if he is voting by ballot, a check mark will be placed by his name, a ballot will be given him, and he is escorted to a booth where he can mark his ballot in secrecy. He then goes to the ballot box where a detachable stub containing the ballot number is torn from the ballot and given the election official. A corresponding number appears on the ballot itself and provides a check on illegal ballots. The voter then folds his ballot and deposits it in the ballot box.

If voting is by machine, when it is determined that the voter is registered he is given an identification slip which he must sign. The inspector must compare this signature with that upon the election books, and sign his name to the slip to signify that it appears to him to be the same. This slip is then delivered to the voting machine inspector, who signs it and puts it into a sealed container, whereupon the voter enters the booth before the machine and casts his ballot.

After the polls close, the second election inspection board counts the ballots and files the totals with the Supervisor of Registration for immediate publication. Within three days following the election the returns are canvassed by a board consisting of the county judge, the supervisor of registration, and members of the board of county commissioners. They certify the election of county candidates and send certificates to the Secretary of State on votes cast for other offices. A State Canvassing Board consisting of the Secretary of State, the Comptroller, and the Attorney General canvasses returns for candidates running for office in more than one county. Protests may be lodged by the voter any time before the canvass is completed.

Absentee Voting

In the event that the voter must be absent from his polling place on the day of election, because of physical disability or absence from the county, Florida law makes provision for absentee voting. To vote absentee the person must apply to the County Supervisor of Registration between four and five days preceding the election. Ballots must be returned to the supervisor by 5:00 p.m. on the day of the election. Election law provides that precautions be taken in order to preserve the secrecy of absentee voting and that an honest count be made.

Slightly different arrangements are made for absentee voting by members of the armed forces, merchant marine, civilian employees of the United States serving overseas, and their spouses and dependents, to meet the problem caused by the fact that the voter can not present himself in person to the Supervisor of Registration to make application for a ballot. Applications are made by "federal post card" and re-registrations handled in the same way. Under the terms of a 1957 Act, conditioned upon the adoption of an enabling amendment to the Constitution of Florida at the 1958 general election, initial registration by mail by the same categories of voters is permitted and provided for.

Ballot Form

The Secretary of State is responsible for setting up the form of the ballot; the Board of County Commissioners for printing the ballot or providing voting machines. The order in which candidates appear on the ballot is identical throughout the state and uniform rules are set up for the order of county office candidates.

Florida uses the "office-block" ballot form whereby the names of candidates appear under the office for which they are running. Although the office block tends to discourage "straight ticket" voting, provision may be made to vote the straight ticket. The Board of County Commissioners is required to publish sample ballots in all elections 20 days prior to the election.

In primary elections candidates for a given nomination are arranged alphabetically under the office they are seeking. In the general election contested by two or more parties, the party receiving the highest vote for governor in the preceding election has its candidates placed first for state and national offices. Space is also provided on the ballot for write-in votes.

Many of Florida's larger counties have adopted the voting machine for the purpose of recording the will of the electorate. Because they are easy to operate, are virtually fool-proof, and may alleviate certain election malpractices, the use of the voting machine is becoming increasingly popular. One major defect appears to be that in a hot contested write-in contest, friends of the candidate with his name on the ballot are inclined to "gum-up" the slot provided for write-in to make it unusable.

Whether or not a county will use voting machines must be decided by the voters upon submission of the question by the Board of County Commissioners. If the

voters approve, the machines must be adopted for use in all elections in the county or municipality. However, the commissioners may provide for the use of not more than five voting machines for experimental purposes without submitting the question to the voters. The ballot form used on voting machines is the same as the paper type ballot and provision is also made for write-in voting.

Evaluation and Problems

Generally speaking Florida's system for nominating and electing candidates to public office is sound. Considerable care is taken to preserve the purity of the ballot and elections are usually conducted fairly and honestly. The system of primaries allows the voter a voice in the nomination process and in the selection of party officials. Participation in the primaries is relatively high when compared to other southern states though not as high as where the two-party system exists. Elections provide the voter with an opportunity to express himself on a wide variety of issues and problems of government besides choosing the men who will fill public offices.

The weakest link in the electoral chain in Florida has nothing to do with the machinery of elections, but with the fact that there is no longer any relation in political philosophy between the candidates for local and state offices with those for president and vice-president. Yet, because of tradition, habit, or simple mental inertia, there is a carry-over from the national ticket into local races, and a carry-over from local loyalties into the national race.

Other areas of weakness in the electoral process include lack of uniformity in enforcement of election procedures, especially relating to the conduct and operation of polling places. Here it can hardly be said that the law is at fault though through interpretation or simply neglect the law is sometimes perverted by election officials. Furthermore, even when electoral malpractices are discovered and challenged, the offender is rarely prosecuted. Finally, penalties for engaging in electoral malpractices are usually so light that they may be ignored.

Like most states, Florida could well stand to shorten its ballot. The legislature has seen fit to propose frequent amendments to the Constitution and general election ballots carry at least five such proposals. The voter is also called upon to select officials for a myriad of offices many of whom he has never seen and does not know. While some steps have been taken to ease the task, it is indeed a well-informed man who feels himself a competent judge of all candidates and issues appearing on the ballot.

CHAPTER IV

PARTIES AND POLITICS

Describing politics in the Sunshine State is like painting a sunset: before the picture is completed the scene will have completely changed, never to be the same again. Political alliances, organizations, schemes and issues which at one election dominate the scene may not even color the next one. At the center of this phenomenon lie two basic factors: (1) Florida is a one-party state, but within that one party at least two parties live--and a second party is taking formal shape; (2) Florida has a governor who is normally the head of his party; but because he is prohibited from running for re-election, and because there serves with him an elected, independent, and self-perpetuating cabinet, he has little real power over his party.

The Law and The Party

The Florida Election Code defines a political party in considerable detail, determines its formal organization, and in some measure regulates its procedures and practices. "Any group of citizens may organize as a 'political party' if the general purpose of the organization is for election to office of qualified persons, and the determination of public issues under the accepted democratic processes of the United States." Any such group may be recognized as a political party if, on January 1 preceding a primary election, five percent of the registered electors of the state are members of it. It is only a minority political party if its membership is less than that percentage of the registered voters. There are vast differences which result. "Recognized" political parties have certain legal requirements to meet which can be ignored by minority political parties; and, more important, only the names of the candidates of the recognized political parties can appear on primary ballots, and the names of their nominees on the general election ballots. At the present time there are only two recognized political parties in Florida, Democratic and Republican. Minority political parties exist, but they seem transient and they are of little importance in the Florida political picture.

Party Organization

Theoretically, organization of any type exists for the purpose of facilitating performance of a given function. It follows from such theory that political party organization exists for the purpose of carrying out the political philosophy of the members of the party, as expressed in their platforms. That has not been so for many years in Florida.

The reasons for the failure of the Democratic and Republican organizations to function effectively in Florida will be assessed later in this chapter, but they do not include a lack of formal organization nor a lack of legislative endorsement.

Indeed, the legislature has frequently amended its requirements for status as a major political party for the express purpose of enabling the Republican Party organization to continue to function as such. And the state government actually subsidizes party organizations by paying over to them money collected from candidates for office, to be used for the party's political purposes.

Through all the years since 1876 when the Democratic Party recaptured control of the governmental machinery, the legislature has kept open the door to a two-party system, and the statutes provide for their organization and maintenance. All of Florida's party officials are chosen at the second primary in "off" years: 1958 and each four years thereafter. At the top of the list are the national committeeman and committeewoman, two from each major party, representing Florida on the national committees of their respective parties. Since their function more properly pertains to the nation rather than the state, they are regarded as national party officials. As such, they join with a man and a woman from each state in the Union for their particular party in performing such functions as issuing the call for the national nominating conventions, selecting the convention city, making general arrangements for the convention, and promoting the candidacy of party presidential and congressional nominees.

The smallest unit of organization, and the base upon which both parties build is the precinct. In most instances, however, this base is more theoretical than real, for in many of the state's precincts there is not a single registered Republican. In these areas the Democratic officialdom is naturally lax and appears to function as party officials only on election day, when they serve as poll-watchers. In areas where strong Republican opposition exists, most Democrats have not yet learned the secrets of effective precinct organization.

Precincts contain a varying number of people, depending upon the area of Florida. Certain rural precincts may contain only 40 or 50 registered voters, while urban precincts may have over 1000 voters each. Each precinct is served by a precinct committeeman and committeewoman. In precincts of over 1000 persons an additional committeeman and committeewoman are allowable. In theory, these persons are the backbone of the party, for they are the party's "contact" with the voter. An alert precinct committeeman will know every voter in his precinct, will assist in registration, and in all ways will "personalize" the party to the voter. Among other functions, the precinct committeeman and committeewoman will serve on the party's county committee, the next higher unit of organization.

At the county level each party is represented by the county committee consisting of party precinct committeemen and committeewomen within the county. The functions of the county committee are to promote the election of party candidates for county and state office, make party rules, and certify party nominees for county office. County committees may assess a county candidate up to two percent of the first year's salary of the office he seeks, the money collected to be spent for conducting the campaign. During the time of election the county headquarters will serve as a focal point for party activity throughout the county and will assist in providing coordination in campaigns for state offices.

At the head of the state organization is the state committee for each party, made up of one man and one woman from each county in the state. The officials of this organization are a chairman, vice-chairman, secretary and treasurer, whose names must be filed with the Secretary of State, and a vice-chairman for each congressional district. The chief function of the state party committee is to promote the election of party candidates for state and congressional offices. To plan this result, the committee will meet at periodic intervals, subject to call by the chairman. Other duties include: (1) adoption of a party constitution; (2) adoption of by-laws; (3) making certain party nominations required by law; (4) making assessments on candidates for the purpose of maintaining party organization and carrying on campaigns; (5) providing the governor with the names of party electors for president and vice-president of the United States.

The Party in Practice

The preservation of the semblance of party politics in Florida is testimony to the conclusion of most politicians, as well as other observers, that parties perform a valuable function in a free society. As nearly as may be on such matters, about which even the most amateur are given to fixed opinions, most observers are agreed that political parties should: (1) channelize and crystalize opinion, narrowing the policy alternatives before the voters by compromising the diverse views of individuals and groups; (2) assist in the selection and promotion of well-qualified party candidates; (3) educate and stimulate voter interest in political issues by means of publicity and leadership; (4) provide "responsible" government while in power and be held accountable for its term in office, the minority party providing criticism; and (5) provide cohesive and concerted party activity which should partially alleviate possible ill-effects of diffusion of power brought about by separation of powers between Federal and state, legislative, executive and judicial branches of government.

On the other hand, the history of Florida politics provides a good demonstration of the fact that patterns of party government, which have, in most instances, contributed to the welfare of other states, are not necessarily indispensable to good government. Florida has been remarkable free from the scandals which have rocked machine-dominated states, and has developed office-holders of high character and ability.

As many reasons could be given for the failure of party organizations in Florida to serve the needs above listed as there are persons to analyze the causes, but some of those reasons seem apparent to all. The most apparent of these has been the complete independence of the Democratic nominee in all state and local elections. Where everyone is a Democrat, and nomination is tantamount to election, the nominee does not need the party in order to defeat non-existent opposition in the general election; and he therefore feels in no way obligated to the party organization for his election. His only opposition comes from other Democratic candidates in the primary, and at that stage of the process the party cannot participate. As a result, every Democrat is really an independent on all state and local issues, making his appeal on the basis of personality, local issues, and state-wide issues which have for the moment caught the popular fancy.

A second reason for the failure of the party machinery in Florida is the complete separation of state and local politics from national politics. Within the

all-encompassing Democratic party there are two loosely defined groups, characterized as well by the terms "conservatism" and "liberalism" as by any other. Historically (though the change here is rapidly advancing) the conservative as well as the liberal identified himself exclusively with the Democratic party at the national level, partly because of tradition, and partly because of the desire to retain in Congress a delegation of seniority which could function closely with other such delegations of the agrarian South. This anachronism resulted in an unanimous desire to sustain a Democratic identity at the national level, but an unwillingness to follow Democratic policies taken from the national level.

One aspect of this peculiar situation is the attempt of the Democratic party organization to foster "loyalty" rules and legislation. By so doing it hoped to drive out of the Democratic primaries all state and local candidates who were unwilling to follow national Democratic policies, or, on the other hand, at least to stop the opposition to the national ticket in the general election of those local Democratic nominees and office-holders who wanted to pursue their independent course. Stated another way: it is an attempt to transfer to the national ticket the strength of the state and local Democratic ticket.

A third reason for the weakness of the party organization is the independent strength of the members of the elected cabinet of the state government, and the inability of the governor to succeed himself in office. Cabinet members control a vast amount of patronage upon which party organization is normally built. But Cabinet members, for reasons not discussed here, secure automatic re-election to their posts, and they use their patronage for the maintenance of their own strength, not that of the party. The governor, even if he would, is helpless to strengthen the party, because his power of patronage is almost gone just at the time it would be needed, and those who have benefited from it are already looking to their own future rather than to the fulfillment of his predatory desires. Indeed, for whatever value political precedent has, support by the incumbent governor is considered to be a "kiss of death."

The failure of the Republican party organization can be generally attributed to two factors: (1) its small size; (2) its internal disputes. Some progress is being made toward the correction of both those faults, but it is problematical how much will be accomplished if the Republican presidential nominee is not successful in the next general election.

For all practical purposes, the Republican party cannot be expected to perform many party functions with its present membership. In 1956 registration rolls revealed that there were but 122,900 registered white Republicans and about 8,354 negro Republicans in the state. Furthermore, Republican strength tends to be localized in the St. Petersburg area, along the Orange Blossom Trail, and along the lower East Coast. While there are indications of a rising Republicanism in these areas, the challenge to Democratic rule on a statewide basis, particularly when the presidential incumbent is not a Republican, is not yet great. If the trend of registration, which has brought Republicans from their figures of 31,783 white electors and 343 negro electors in 1954 continues, a different chapter will unfold.

In 1956 the Democratic Party was overwhelmingly dominant. 1956 registration figures list 1,077,642 white Democrats and 119,975 Negroes. Considering that total voter registration in 1956 was approximately 1,450,000, substantial Democratic victories were inevitable.

The rise of Republicanism may portend a political future for Florida more like that of its northern sister states, but if so, more than a century of development will have to be reversed. As aptly characterized by V. O. Key, the party picture is defined as "Florida: Every Man for Himself"; and it has always been so. Florida's political parties have never seemed able to coalesce for any long period of time. In the ante bellum period, for example, politics in Florida was generally personal in nature, as men of wealth or erudition sought or accepted leadership of the political life of the southern frontier. William P. Duval, Richard K. Call, and John H. Eaton, the first three civil governors appointed to administer the affairs of the territory, all personal friends of Andrew Jackson, took the stump for William H. Harrison and the Whig Party in 1840, even though all three had previously been active Democrats; and Call later ran unsuccessfully for governor on the Whig ticket after Florida became a state. As late as 1841, a Tallahassee newspaper reported that: "More than half the political controversies in the Territory have been of a personal and selfish character, involving no cardinal principle, and of mischievous tendency--a mere struggle between the ins and outs."

The diversification of social and economic groups in Florida underlies and underscores a political structure of extraordinary complexity. The characteristics of the Florida political structure, according to a thorough survey of southern politics by V. O. Key, include: "a multiplicity of state factions, a dispersion of leadership, . . . in exaggerated form, . . . and a discontinuity or lack of persistence in the grouping of voters in factions." The best illustration of Florida's factional system over the years is in the quadrennial race for the Democratic nomination for the governorship. Then "any individual who has the itch to be governor, the filing fee, and perhaps some political standing in his own locality, enters the race. So many candidates make the first primary race, on the chance that they might get into the run-off, that it has come to be regarded as a lottery. Its outcome has been influenced by such fortuitous elements as the home-town strength of a candidate who ran last in a field of six. He drew votes from the third ranking candidate who might otherwise have gotten into the runoff." V. O. Key wrote that "In 1936 Florida achieved its highest degree of political pulverization. In that year 14 men contended in the first primary, and the leading candidate attracted the support of only 15.7 percent of the voters. In 1940 a mere 11 candidates entered the race and the highest two polled a larger percentage of the total vote than did the two leading candidates in 1936. In 1944 the field narrowed to six and the three leading candidates polled almost four-fifths of the total vote. In 1948 in a field of nine, the three leaders again attracted almost four-fifths of the vote." In 1956, six hopefuls entered the race, and Governor LeRoy Collins was able to gain an unprecedented first-primary victory. While there is apparently a tendency on the part of voters to concentrate on two or three candidates, the distribution of the vote indicates an absence of a dual system of factions. In essence, Florida has a multi-party system something like that of European models, except that factions in Florida lack the sharply differentiated doctrines of their European counterparts, as well as their relative permanency. But certainly the characterization of multi-parties is more applicable to the fragmented Florida picture than is the term

"one party system", with its accompanying implications of one-party rule, unity and discipline. Because it is factionalized, Florida's Democratic Party is unable to fulfill the functions of a political party. It is a loose alliance or confederation for political convenience, rather than a unified political party.

We have alluded to the place of the Governor in party politics. In theory, he should have a prominent place. Not only should he be able to influence party officials, the rank and file, but also members of his cabinet and the legislature. However, due to the structure of Florida's government, such is not the case. To begin with, the governor cannot succeed himself in office. Secondly, the structure of Florida's government, with vast administrative powers vested in the elected, independent cabinet, better lends itself to dispersion of responsibility by the party than to assumption of responsibility. To the degree that the governor does become a leader of his party, it is a tribute to his personal characteristics and the natural prestige of his office, rather than to his powers as governor.

Lack of effective competition undoubtedly has done a great deal to hinder party development along usual lines. The attitude has been that there is little need for the Democratic party to organize, because there is nothing to organize against; and that there is no use for the Republican party to organize, because there is no hope of success. Furthermore, the Republican party is itself factionalized, divided among those who actively seek a vigorous party, and those who are content to hold their positions as party officials and disperse patronage when their party achieves power at the national level. While the "young bloods" have displayed considerable vigor, have succeeded in electing a United States Congressman and a number of local officials, there is evidence that their activities have been seriously hampered by the patronage-claiming "Old Guard". In any event, the absence of a challenge to Democratic party rule in most areas of the state has not promoted a flourishing, alert Democratic organization.

Finally, the Negro has done much to complicate Florida's party picture. Remembering the days of Reconstruction and the "Negro Republicanism", most southerners gravitate naturally to the Democratic party. Fear of possible Negro control keeps them there, and thus stands in the way of development of a two-party system.

As a product of all this, the party "regular" and the professional

party leader are not always highly regarded. Although such an attitude is not by any means confined to the geographical limits of Florida, it is often expressed there in violent form even when there is no apparent justification. Not everyone believes that "politics is a dirty business", but the belief is widespread; and many able and conscientious citizens reserve little or no place in their lives for political participation. For party government to be responsible, there must be not only party officials to assume the responsibility, but also enlightened citizens to demand the proper discharge of that responsibility.

Extra-Party Organizations

One of the consequences of the failure of political parties to unite the various groups in common cause has been the rise of extra-legal and informal party organizations. Voters tend to center their attention on a particular candidate and are frequently identified as "Collins men" or "Warren men". In turn, a potential candidate endeavors to build up a state-wide following which is usually personal in nature and independent of party organization.

Contrary to what one might expect from such a situation, political machines do not flourish in Florida. Organizations built by individuals lack the permanency necessary to form machines. Furthermore, the absence of patronage distribution is a hindrance to the evolution of a machine. Personal organizations appear to flourish during a campaign and then to dissolve following the completion of the contest. It is further doubted that there are more than two or three men in Florida today who could put together a campaign organization in all counties by mere use of the telephone. All this is adequate testimony to the difficulty of providing leadership in Florida politics.

It should not be inferred, however, that politics in Florida is so bland or so amorphous that candidates do not make appeal for broad class support. A former governor, Sidney J. Catts, was hardly speaking to the entire population when he uttered his famous remark: "The poor man has three friends: Jesus Christ, Sears Roebuck, and Sidney J. Catts."

Furthermore, a study by Herbert Doherty reveals

definite voting patterns in Florida. By dividing Florida into three sections, North, West, and South, one may reach certain conclusions regarding voters preferences. On social questions pertaining to civil rights, equality for the Negro, and religious tolerance one finds that north and west Florida are far more conservative than south Florida. It is in these areas that "old south" traditions hold sway. While south Florida may be more tolerant regarding socially questions, it is far more conservative from an economic point of view. North and west Florida, on the other hand, are generally liberal in economic matters, having displayed this liberalism since the times of the Populist "crusade" of the 1890's. In view of these generalizations, the average citizen can predict with some degree of accuracy how elections in Florida will turn out, depending upon whether social or economic questions are predominant. Yet it should be stressed that group alliances made resulting from these problems appear to be temporary and in keeping with the constantly shifting pattern of Florida politics.

The Role of Pressure Groups

Numerous interest groups are present in Florida and take an active role in politics. However, without the general direction of party to compromise and channelize the various interests, the general scheme of pressure politics does not always follow the same pattern experienced elsewhere. Alliances among interest groups are fluid, and combinations are almost constantly being formed and re-formed. The dominant political personality may effect a combination of interest groups or such combination may be brought about through mutual interest in a particular issue.

Of the various pressure groups, those with interest in business are perhaps the best organized and the most effective. The Chamber of Commerce, the Junior Chamber of Commerce, and the Associated Industries group representing the paper mills, cigar manufacturing, insurance, and dairy distributors provide adequate business representation.

Labor groups, on the other hand, are not highly organized in Florida. Only in the urban counties of Dade, Duval, and Hillsborough are labor groups sufficiently organized to exert substantial political pressure. On a state-wide basis, the support of organized labor is sometimes considered detrimental to a candidate's chances and many candidates do not seek an open endorsement from labor groups.

Although it is generally denied by them, educational groups exert considerable influence. One, the Florida Education Association, maintains headquarters in Tallahassee and is quite active in behalf of teachers and public schools. Although the F.E.A. does not endorse candidates, most political leaders in Florida are careful to include in their platforms something for the teachers.

A second powerful interest group of an educational nature is the University of Florida. Enjoying somewhat of an "in" due to the fact that many legislators are graduates of the University, this institution has been well able to look after its own interest. A "Homecoming" celebration at the University of Florida oft-times more closely resembles a state-wide political convention than it does simply a get-together of "old grads".

An exhaustive list of pressure groups active on the Florida political scene is prohibited by space limitations. Among other effective groups are the League of Women Voters, veterans organizations, newspapers, the League of Municipalities, county officials, charitable organizations, merchants, bankers, utilities, insurance interests, citrus and livestock growers, and those persons with a direct interest in tourism. Combinations of these interest groups supplant party influence in providing leadership for legislative activity.

The Groups and Their Methods

Pressure groups operate in a variety of ways. A group that limits itself solely to lobbying activities during the legislative session will be less effective than other groups. Well organized pressure groups will use a combination of the following methods to accomplish their ends: (1) dissemination of factual information to legislators; (2) social pressure exerted through personal contact; (3) issuance of propaganda aimed at public consumption; (4) campaign activities.

Dissemination of information is a well-known activity of pressure groups and has considerable value. Though not necessarily objective, the information gathered by the various interest groups is well organized and factual. Public officials need authentic information from the groups in order to make the proper decisions regarding the questions at hand. At some time the interest group may even be asked to draft a bill for presentation. This situation is not so one-sided as it may seem, for fortunately there are usually opposing interest groups. Contrasting information provided by both camps enables the legislator to achieve compromises necessary to the democratic process.

Social pressure is another widely used technique, and is generally employed by a lobbyist. The successful lobbyist is a practicing amateur psychologist, and upon his analysis of a legislator's character may rest the success or failure of his interest group's aims. While generally of a harmless (though costly) nature, social gatherings may be arranged by the lobbyist at which he will endeavor only to provide entertainment or to promote fellowship. Having thus made the "contact" desired, he may then try to reach the official with sound and straightforward arguments under favorable circumstances. On the other hand, some lobbyists, employing underhanded techniques, determine a legislator's weaknesses, be they women, liquor, gambling, or something else. With this knowledge the unscrupulous lobbyist may then exert pressure of an invidious type. Although proven figures are not available, it is generally considered "clumsy" to resort to out-and-out bribery. The risks of exposure are usually far too great to warrant its use.

Publicity, or propaganda, is issued by virtually all well-organized groups interested in influencing public policy. Usually this is of a very high quality, although definitely slanted in favor of the group. The Chamber of Commerce is especially noted for its wide range of excellent publications designed for popular consumption. Most of the publications are aimed at inducing a public reaction which can be translated into pressure on public officials. Groups with large memberships may arrange an adequate number of letters, telegrams, and even telephone calls from "the folks back home". Generally, unsolicited mail received by a public official regarding a problem of government carries considerable weight, especially if the letter originates from one of his constituents.

Most interest groups engage in some form of campaign activities. The degree of participation, however, will vary from group to group and election to election. A few groups limit themselves to circulation of questionnaires regarding candidates' views, while other groups may publish summaries of candidates' voting records on legislation pertaining to group interest. Still other groups enter the campaign directly and with vigor, giving both time and money to assist the campaign of a particular candidate or group of candidates.

Sectional Politics

Bitter sectional cleavages are just beginning to appear on the Florida political scene. They have been minimized by the overall prosperity of the state, and the fact that until recently Florida has not been dominated by large cities. Too, the large cities of Miami, Tampa, Jacksonville and Pensacola are located in four different geographic areas of the state; and while some natural rivalry exists between these cities, it is balanced geographically and mutual interests often bring them together in other respects.

One of the factors that contributes to sectional differences has been the different origins of the people inhabiting North and South Florida. To the "Old South" part of North and West Florida, those who inhabit the lower East Coast are "damnyankee" tourists, while to the inhabitants of South Florida, North and West Florida are peopled with "crackers" and "wool hat" boys. Essentially, the persons living in North Florida have southern origins and hold traditional southern views pertaining to racial questions and liberal economic policy. North and West Florida have predominantly agricultural economies. South Florida, on the other hand, is widely populated by persons with northern origins and values. Racial questions are not so important, and there is a marked tendency towards economic conservatism. The chief economic activity is tourism. In the central part of South Florida, there is a flourishing agricultural economy; but it tends towards large holdings rather than toward the small family farm of North and West Florida.

Probably the most distinct cleavage is found between large counties and small counties, agitated by the system of legislative apportionment under which a large majority of each house of the legislature is elected from districts containing a minority of the population. Spokesmen for the large counties complain of the distribution of pari-mutuel racing tax revenues in equal proportions among the counties, regardless of their population; relatively equal distribution of gasoline tax revenues among congressional districts, regardless of population or need; subsidization of education by the state because of the refusal of tax assessors in small counties to raise assessment levels to a point that will permit local support of local schools; location of state institutions in small counties rather than in or near the large centers of population which they are chiefly designed to serve; and refusal of small-county legislators to permit changes in constitutional forms which the large counties consider necessary or progressive. For their part, the spokesmen for the small counties insist that pari-mutuel racing revenues exist only by state sufferance and should be divided equally; that it is necessary to build good roads in small counties so that easy access may be secured to the large counties; that to raise real property assessments would be to wipe out the homestead exemption, originally designed to cover every

home of moderate value; that to locate all state institutions in the large counties would simply aggravate the economic differences already dividing the counties; and that the rural legislator, whether in the Senate of the United States or in the Legislature of Florida, has always been the bulwark of freedom against radical innovations proposed by machine-dominated, socialist-minded city majorities.

Wherever the truth may lie on any particular issue, the equity of reapportionment is never seriously debated -- only its form; unless it comes about through legislative action it will come about by an increasing domination of the administration and the judiciary of the state by the metropolitan areas. It will probably come about through legislative action whenever the small-county majority becomes satisfied that it has in exchange secured adequate guarantees for what it considers its fundamental needs.

One of the peculiar aspects of this whole problem, never publicly discussed, is the large support the small-county group receives in its holding action by business and political interests which would normally be arrayed with the metropolitan areas, but find themselves better able to function in the legislature as now constituted; and of the support the small-county group receives from some metropolitan interests which fear domination by a larger metropolitan area.

Campaign Tactics

Conduct of campaigns in Florida centers around the Democratic primaries with the exception of the national presidential election contest held in November. Primaries are open to any Democrat with the filing fee and an urge to hold public office. On the whole the campaigns are amateurish because the candidates and their supporters are amateurs -- a product of the lack of party organization. There is a tendency on the part of candidates, here as everywhere, to avoid issues, primarily from fear of alienating some segment or group of the population, and on the theory that most electors vote "agin" a candidate rather than for one. A great deal of campaigning is on a personal basis, a firm handshake, an open countenance and an ability to remember names being prime assets. While on the campaign trail, some candidates make considerable reference to local citizenry with whom they are acquainted, attempting thus to establish a personal identity between themselves and the community. One such candidate earned for himself the nickname of "Cousin Charlie", as he apparently had relatives throughout the entire state, and his speeches generally included a list of relatives and friends in that particular local area.

To a marked degree the advent of television and the spectacular population growth of the state are beginning to limit the personal contact element of campaigns. It is, of course, impossible for a candidate to shake hands with one and a half million voters; on the other hand, through the medium of television a candidate can almost literally step into the home of the voter and make his appeal under the most favorable circumstances.

Campaigns in Florida range all the way from sheer buffoonery to a serious attempt at treating issues of public importance. As candidates for the Democratic nomination build their own organizations, they are able to control in great measure the tactics used in their behalf. There does not seem to be any standard key to

political success, and what seems to work in one election may not work in another. Direct mail, the whispering campaign, band-wagon psychology, bill-boards, the half-truth, newspaper advertising, hand-bills, sound trucks, motorcades, platforms broad enough to hold everyone -- these and many other common devices are used according to the character, support and resources of the various candidates.

Due to the increasing economic and educational standards of the voters, the bombastic orator-politician of the old Southern school is fast being replaced by the smooth-talking, well-dressed businessman-lawyer type. Heated exchanges do occur with greatly exaggerated charges and counter-charges, but these are almost as dangerous as they may be useful. When informed of the candidacy of a certain individual, one of the state's politicians declared he would "walk the state bare-footed" to defeat him. Charges of "liar" and such characterizations as "greedy" and "grasping" occur at the highest levels.

So far, all Florida politicians but one have agreed on the issue of "civil rights". While moderation may prevail in approach, no successful politician except one has included integration in his platform. Fairness is stressed, but fairness under the existing scheme of race relations. The 1956 gubernatorial campaign witnessed a flare-up of the racial question due in large part to the U. S. Supreme Court's decision regarding integration in the schools. Essentially the question before the voters was the tactics to be employed in staving off integration. The answer the voters gave, so far as it can be discerned, was one of moderation.

Local campaigns are carried on largely through the device of the county-wide rally. At these gatherings, all candidates for county and state office speak for a period of five minutes, at least two of which are spent congratulating the ladies on the fine meal, and the rest convincing the listeners of the identity of their interests with the candidates. The incumbents "point with pride", the opponents "view with alarm". County rallies are especially popular in rural regions, and several will be held each week for several months before the primary.

Local candidates make little use of advertising media other than hand-bills, and cards, sound trucks, and rallies. A few take some radio and TV time, but those media are so swamped by demand for political time from state candidates that severe limits are placed on the local candidates. In this area, therefore, the face-to-face contact is of prime importance.

Money

Campaigns cost money; and money, or the lack of it, is one of the candidate's chief headaches. While vast sums may be spent to obtain the governor's nomination, most local candidates must operate on a very limited budget.

Florida has what some think to be a model campaign expenditure law. Each candidate must designate a campaign treasurer and a bank to handle all campaign monies. Recognizing the impracticability of placing ceilings on the amounts candidates may spend, Florida law permits unlimited spending. However, no expenditure of campaign funds may be made unless the amount deposited in the campaign treasury is sufficient to cover the expense, and then only following written

authorization of the campaign treasurer. Monies received must be deposited in the bank within twenty-four hours, and deposits must be accompanied by detailed statements showing the name and address of the donor and the amount received. Records of receipts and disbursement must be filed with the Secretary of State at periodic intervals, the actual interval depending upon the office sought. When accounts are filed with the Secretary of State, they become a matter of public record and are usually published in condensed form in the state's newspapers,

Individual contributions are limited to \$1,000.00 per person per candidate per primary. Contributions are prohibited from corporations and from persons who have an interest in horse or dog tracks, the sale of intoxicating beverages, or the operation of any type of public utility. Candidates, on the other hand, may not make unusual contributions to any charitable, religious or civic organizations.

A proven violation by a candidate of the campaign expense law will lead to having his nomination voided. If the violator is a horse or dog track owner, the attorney-general may prosecute in the appropriate county. Non-profit corporations who contribute to political campaigns may have their charter revoked by the Secretary of State.

The 1955 election law provides some measure of protection for the individual candidate. Under it, no person or corporation may charge more for political advertising in newspapers, on radio or TV than is normally charged for commercial advertising under the same circumstances; and candidates are prohibited from paying more than the regular commercial rates.

Summary and Conclusion

On the whole Florida's political patterns provide a minimum of responsibility for government, and a maximum of choice by the voter on the basis of individual appeal. Democracy is served through the wide-open primary -- it is hindered through its dispersion of responsibility. The party organization exists on paper but has little real vitality.

The existing situation is both unsatisfactory and untenable, yet due to the state social and economic composition, and the disjointed national political picture, solutions are not readily at hand -- and, paradoxically, government is generally very good.

It is not possible to tell yet how much the recent surge of Republicanism is due to the popularity of the Republican presidential candidate and how much to a real, permanent growth in Republican strength in the state. One confusing factor is that a large burden of the Republican presidential campaigns has been carried on by "Democrats for Ike" -- a factor hardly indicating the rise of a flourishing Republicanism. Until the Republicans are able to achieve grass-roots organization through a wide area of the state - if they do - it would appear that Florida will continue its one-party, multi-faction system.

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CHAPTER V

THE FLORIDA LEGISLATURE

Since the turn of the century state legislatures have lost prestige and standing because they are attempting to perform a twentieth century task with tools and methods of our frontier days. A large number of state constitutions many written before the age of either the modern metropolis or the automobile, reach a bony hand from the dead past and hold legislatures in a vise-like grip. In only 10 states are legislatures authorized to meet annually. In the remaining 38 states matters pertaining to finance, appropriations, and taxation must be forecast up to 24 months in advance, a task that is virtually impossible to perform because of the rise of new problems and of constantly changing conditions. In Florida, a state now undergoing unprecedented growth and expansion the legislature is required to meet for sixty days every two years.

State legislatures have also suffered loss of prestige because of their failure or inability to take positive action on the great economic and social problems of the day. Countless illustrations are readily available which adequately demonstrate this point. Such formerly-held state functions as conservation of natural resources, promotion of health and welfare, and regulation of common carriers have passed in large measure from the hands of the states into those of the federal government. On the whole, legislatures do not appear to be adept at problem-solving or even problem identification. At best they appear to lunge at a few main issues and to toss the rest into the laps of experts in state agencies, or to follow leads advocated by technicians hired by pressure groups.

There are a number of reasons which have contributed to making state legislatures static rather than dynamic bodies. To begin with, the membership of many legislative houses is far too large. By its nature a legislative body is supposed to "represent the people", yet the number of representatives chosen is an important factor. A group of fifty persons may be "representative", so also may be a group of 100 persons. It would generally be conceded, however, that the fifty would be more likely to achieve a meeting of minds on a given problem than would be the larger group. To further complicate the problem of size, many state legislatures lack effective leadership. When both factors come together and are viewed in the light of the short legislative session, bulk and time coalesce to produce an atmosphere of hurried confusion.

Due to general public mistrust, many state legislatures have found their hands tied by detailed constitutional provisions. The practice of constitutionally earmarking state revenues is one example of this. Another, equally nefarious, is constitutionally creating state agencies, spelling out their duties in detail, fixing official salaries and thereby freezing such agencies almost "in perpetuity", regardless of changing needs or changing conditions. While in the past there may have been some justification for this practice, especially during the half-century following the Civil War, when public morality sunk to an all-time low and an honest politician was one who "when bought would stay bought", little need exists for it today. Unfortunately, however,

practice of constitutionally tying the hands of the legislature is still carried on in many of the states.

In another sense, state legislatures often weigh themselves down with picayunish detail. An excellent example of this is found in the field of local legislation. Instead of devoting their time to problem solving on a state wide basis, many legislatures attempt piecemeal solutions for problems found in each and every locality within the state. In Florida well over half the bills enacted into law during the course of a normal legislative session deal with purely local matters. Precious legislative time is wasted, while orderly and uniform state wide solutions are ignored. Most legislatures have yet to learn that real local self-government cannot be carried on from the state capitol.

Financial limitations have also contributed to the loss of function. The increased demand for governmental services, especially in such areas as public education, welfare, and road construction, has placed severe stress on the revenue systems of many states. However, the existence of real financial limitations is sometimes open to question, for instead of attacking a generally antiquated system of taxation, legislative cognizance of a problem is too often characterized by casting hopeful glances in the direction of the federal treasury. The wide range of federal grants-in-aid perhaps demonstrates the effectiveness of such an approach. Yet, while federal aid does materially contribute to satisfying popular demand for increased governmental services, federal money is also accompanied with varying degrees of federal control. Many functions of government previously held to be the responsibility of the several states are now controlled in large measure by the federal government.

The resulting impact on our federal system has been tremendous, and it is worthy of a brief digression. The chief theory of federalism holds that there ought to be a division of power between the component units (the states) and the central authority (the federal government). Some powers, such as the conduct of foreign affairs, are to be carried on solely by the federal government. In theory, also, there are direct limitations on the power of the federal government, as it is able to exercise only its delegated powers AND THOSE POWERS IMPLIED FROM THE DELEGATED POWERS. Court interpretation as to the specific nature of the implied powers has provided for federal expansion. Where the courts have prohibited direct federal expansion, the device of the grant-in-aid has sometimes been employed to "buy" an interest.

Classic theories of federalism must be interpreted in light of the current situation. The so-called "division of power" still exists, but the federal government has a far greater range of power than was ever envisaged by the founding fathers. If state legislatures continue to neglect pressing social and economic problems, federal scope will be further broadened. If a lesson may be gained from the past fifty years, it is simply that popular demand for governmental services will be satisfied. When the states fail to meet this demand, appeal to the federal government is almost automatic. It would be a naive person indeed who believed that the "New Deal" of Franklin D. Roosevelt was imposed on the American people against their will.

Finally, the calibre of state legislators is not always as high as it should be. On the theory that the whole is no better than its component parts, legislative prestige has suffered to an appreciable measure. However, the fault does not entirely lie with legislators, who are generally honest and sincere men. Public attitudes towards political leaders do not encourage office holding, and well qualified persons often avoid political participation because of stigma attached to being a "politician". When coupled with generally inadequate salaries, it is surprising that the quality of state legislatures is as high as it is. Nonetheless, there is ample room for improvement.

An important, but seldom used, power of the legislature is the power to impeach and remove the chief executive and judicial officers of the state. Officers subject to impeachment and removal by the Florida legislature include the governor, the six executive officers (the so-called cabinet), and judges of the Supreme Court, district courts of appeals, and circuit courts. All impeachments are tried by the Senate upon articles drawn and passed by the House of Representatives. No officer shall be convicted in impeachment proceedings without the concurrence of two-thirds of the Senators present. Judgments in impeachments extend only to removal from office and disqualification to hold state office. All other state and county officers are suspended by the governor and removed or reinstated by the Senate at its next session.

Florida's Legislature: Form and Structure

Florida is one of the 47 states using the bi-cameral (two-house) legislative system. Only Nebraska has adopted a uni-cameral (one-house) system, and since Floridians appear unimpressed with the augmented benefits of uni-cameralism, there is little stimulus for change. Besides the weight of tradition favoring a two-house system, a number of sound arguments may be advanced in its favor. Chief among these are the increasing diversity and complexity of the state, with an accompanying need for representation based on population, yet tempered by geographical considerations. Secondly, the check and balance system inherent in bi-cameralism helps to ensure a consensus of state wide support for proposed legislation. Such agreement is necessary if bitter rural-urban conflicts are to be avoided and sectional differences prevented from becoming major political issues. Finally, a bi-cameral system is better able to provide needed legislative continuity and still reflect the popular will through frequent elections. In the case of Florida, Senators are chosen for a period of four years. As Senators are divided equally into two groups with one half of the Senate being elected at each biennial general election, it would be impossible to seat a completely inexperienced Senate. Thus, some continuity is assured. In the case of the lower house, the House of Representatives, members are chosen for two-year terms at every general election. The House, then, should more directly reflect the popular will.

The Florida legislature convenes in regular session once every two years, on the first Tuesday after the first Monday in April. As the legislative

session always follows the general election held in November of even-numbered years, the legislative sessions are held in, and terms of members extend between, the odd-numbered years. Regular sessions of the Legislature are sixty days in length, although an additional thirty days may be added to each session upon approval by three-fifths of the membership in each house. The additional thirty days need not be consecutive, but no extended session may last beyond September 1st following the regular biennial session.

Three separate constitutional provisions deal with the convening of special sessions. The most recent of these (1956) makes provision by which the Legislature may convene itself into special session. To accomplish this, twenty percent of the members of the Legislature must submit written certification to the Secretary of State that conditions warrant convening a special legislative session. When such certificates have been received by the Secretary, he is then charged with polling the membership of the Legislature. If three-fifths of the members reply in the affirmative, then the Secretary shall fix the day and time for convening the special session. Each member of the Legislature must be notified of the special session by registered mail within seven days after the requisite number of certificates have been received. The day and time for convening the special session cannot be less than fourteen days, nor more than twenty-one days, from the date of mailing such notices. Special sessions convened by the Legislature are limited to thirty days in length. The Legislature may, however, "convene in extra session for all purposes as if convened in regular session".

In the event of emergency, the Governor may convene the Legislature by proclamation. The proclamation must state the cause for which the Legislature is convened, and a two-thirds vote in each House is necessary to consider other measures. The Governor, however, may in his discretion call the attention of the Legislature to other business. Special sessions convened by the Governor are limited to twenty days in length.

The Florida Constitution requires that the Legislature re-apportion legislative representation every ten years following the federal census. Failure to re-apportion makes a special session mandatory. The Constitution provides that if the Legislature fails to re-apportion, the Governor shall call the Legislature into special session within thirty days after adjournment of the regular session. Re-apportionment is mandatory, and the Legislature must stay in session until re-apportionment is accomplished. During such special sessions, the Legislature is forbidden to consider any measures other than re-apportionment. Re-apportionment must be effected within five years after the taking of the federal census. As census data is gathered at the beginning of each decade (1930-1940-1950, etc.), re-apportionment must take place within five years (1935-1945-1955).

Special sessions are comparatively rare in the Florida Legislature. However, in recent years special sessions have been held for purposes of re-apportionment, and also as a result of the United States Supreme Court's ruling in 1954 regarding the constitutionality of racial segregation. Special sessions may solve certain problems, providing the Legislature and the Governor are in

accord. In the second of the two previously cited instances plans were rapidly evolved to combat immediate integration in the state's schools. But in the other, reapportionment appeared more controversial, and in actuality the Governor and Legislature deadlocked. While the Legislature did stay in session, its morning meeting was often devoted only to a roll call followed by adjournment. In the race question, the special session proved quite profitable; in the re-apportionment question, the gain was substantially less.

Terms and Pay

Members of the Florida House are chosen for two-year terms, and members of the Senate are chosen for four years. Qualifications of both include residence in the county or district to be represented by the legislator, and also a prohibition from holding a lucrative office in any other branch of state or federal government. If a member of the House moves from his home county, his seat is automatically vacated. In like vein, a Senator may not move out of his district, though he may move to another county within the district and still retain his seat.

The salary received by Florida's legislators is cemented in the State Constitution. Under an amendment approved in 1954, the members of the legislature are paid \$1200 per year in twelve equal installments. Besides this, legislators receive a per diem allowance of fifteen dollars per day while the Legislature is in session and a travel allowance at the rate of ten cents per mile for a fixed number of round trips to Tallahassee during the session. Secretarial assistance is also provided free of charge during the legislative sessions, and allowances are made for postage and stamps. The actual amount granted for these incidental expenses is determined by resolution in both houses and varies according to the size of the county. In the House of Representatives a member of a three-man delegation from a large county usually receives a greater amount than does one representative from a small county.

Salary rates become more meaningful when compared to practices of other states, although it is generally agreed that most state legislators are grossly underpaid. A number of states actually pay less than Florida. Oregon rewards its legislators with the annual sum of \$600, while Tennessee pays four dollars per day while the legislature is in session. New Hampshire pays the absurd sum of \$200 for a two-year term of office. At the other end of the scale, both New York and Illinois pay state legislators an annual salary of \$5,000. Generally speaking, most state legislators would be able to earn more money baby-sitting or caddying on a golf course than they actually earn by passing judgment on the major political issues confronting the state.

As the scope of Florida's government expands, legislative business requires more of each legislator's time. Due to the now current need for interim activities, legislative affairs are not limited to the biennial session. Since legislative service is rapidly becoming a full time job, it is only proper that salaries be commensurate with the time and effort needed to do that job. Failure to recognize this could well limit service in the legislature to those who have independent means of wealth, a condition hardly desirable in democratic government.

Legislative Personnel

Members of the Florida Legislature are drawn from a wide variety of professions and occupations. The legal profession and farmers tend to make up a greater portion of the Legislature than do other occupational groups. However, there is generally a sprinkling of insurance men, real estate brokers, businessmen of various kinds, and an occasional teacher or clergyman. By and large, members of the Florida Legislature often enjoy considerable social and economic standing in their respective communities. The average age in the Senate is in the middle forties, while it is slightly younger in the lower House. Many legislators have attended college, and a considerable number have degrees. Most are married and have average sized families, are Protestant, and are active in a wide variety of civic and social organizations in their home communities. Native-born Floridians predominate in both houses.

Although there has been a slight rise in Republican popularity throughout the state, members of the Legislature tend to be overwhelmingly members of the Democratic party. Enclaves of Republicanism are found in Pinellas County and along the lower East Coast. Further evidences of Republican strength may be seen in the Orlando area and along the "Orange Blossom Trail" in central Florida. Republicanism, in general, appears more attractive in those areas which have experienced a large influx of retired people from the North.

Turnover in the Florida legislature is relatively high. In the 1957 legislative session, about 40 percent of the House members did not serve in the 1955 session. In some senatorial districts consisting of two or more counties, a "gentlemen's agreement" appears to persist and provides that the Senate seat rotate among the counties of the district. While this agreement is not legally binding, nor does it hold true in every district, alternation of a Senate seat seems to be a rule in such districts. A "maverick" who intends to violate the rule, especially in districts where it is practiced, must generally show substantial cause to voters in all the counties contained in the district in order to stand a chance for success. Such practices, however, contribute to the relatively high rate of turnover.

Representation

Legislative bodies throughout the world use varying methods and bases for determining representation: population, geographic location, economic groups, hereditary elements, and others. Practice in the United States follows two general lines: (1) representation based on population; and (2) representation based on geographic area. Both principles are well illustrated by federal practice. The membership of the United States House of Representatives is apportioned according to population, the number of representatives varying directly with the state's population. In the U. S. Senate, the "federal" system prevails, each state being equally represented by two Senators. Thus, consideration is given to geographic location.

State legislatures are generally apportioned according to population, although geographic location becomes a factor in the apportionment process.

Under the population theory, however, it is held that representation will be divided equally among the people, or, put in another manner, that a given number of people will choose one representative. The manner of apportionment is important, then, if the population scheme is to be used.

Most state constitutions contain provisions that legislatures be apportioned fairly on the basis of population. Unfortunately, there is a wide gap between theory and practice. State legislatures are generally apportioned in such a way as to favor the rural dweller, who is usually thus able to cast more weight than mere numbers would dictate. On the other hand, urban areas of many states are vastly under-represented. In a 1955 report to the President of the United States, the Commission on Intergovernmental Relations pointed out: "Paradoxically enough, the interests of the urban areas are often more effectively represented in the national legislature than in their own state legislatures."

Formulas necessary for equitable re-apportionment proceedings have not kept pace with increasing urbanization. Most of the formulas for re-apportionment currently in vogue were evolved when population characteristics were predominantly rural. As a result of large population shifts to the cities, the unrepresentative nature of many state legislatures is intensified. While some states provide for fair re-apportionment, in thirty-four states a majority of the upper house is chosen by less than 40 percent of the state's population. Nor is any substantial improvement found in procedures for re-apportioning the lower house, as in thirty-six states a majority of lower-house legislators are chosen by less than 40 percent of the population.

Variation in the size of constituencies provides some insight into apportionment problems. A recent study has revealed that Massachusetts has the most equitable apportionment system of the 48 states for choosing members of the upper house. The average senatorial district in Massachusetts contains 117,263 persons. Districts range from 92,216 (the smallest) to 164,334 (the largest). The state having the widest range of population among districts is California. In this state, the average sized district consists of 264,256 persons. However, at one extreme the largest district contains a staggering 4,151,687 persons, while the smallest district contains but 14,014 persons.

Florida ranks closer to California than it does to Massachusetts, and it is generally conceded that neither house of the Florida Legislature is fairly apportioned. Beginning about 1920, Florida's population began to increase rapidly, with an accompanying growth of large cities. However, growth was not state wide, but tended to center along the lower East Coast and in the Tampa Bay area. Meanwhile, apportionment procedures did not follow the constantly widening gap between urban and rural population. This gap has now become so great that it is impossible to juggle figures whereby equitable re-apportionment may be obtained. Only a constitutional amendment revising the entire basis of representation could bring about fair apportionment.

There are ninety-five members of Florida's House of Representatives who are purportedly apportioned according to population. Re-apportionment is almost automatic, as the formula is clearly stated in the state Constitution.

The five most populous counties of the state receive three representatives each, for a total among them of fifteen. The next eighteen counties ranked by population receive two representatives each, while the remaining forty-four counties each choose one representative. The extent of the disparity is shown by the 1950 census figures, which listed the population of Dade County at 495,084. As the state's largest county, Dade is entitled to three representatives, thus allowing one representative for each 165,024 persons. Liberty County, on the other hand, with about 3,000 persons chooses one representative. Unfortunately, later population estimates indicate that Dade is still growing by leaps and bounds, while the population of Liberty County tends to remain nearly constant. Regarding House apportionment, it should be observed that a majority of Florida's population is contained in six counties, yet these six counties elect only seventeen of the ninety-five members of the House.

Apportionment in the Senate is likewise inequitable. The state is divided into thirty-eight senatorial districts, with each district electing one senator. Districts encompass one or more counties, following the theory that districts be as nearly equal in population as possible. Further rules pertaining to the formation of senatorial districts are as follows: senatorial districts must be composed of contiguous or adjoining counties; and, in the creation of senatorial districts no county may be divided. Since there is no precise formula for determining the district lines, the matter depends upon legislative interpretation and has engendered heated debates and controversy. Regardless of constitutional provisions, senatorial districts are not equal in population. The largest district is Dade County which chooses one senator and had a 1950 population of 495,084. The smallest district is Jefferson County which had a 1950 population of 10,413. A difference of over 484,000 is hardly equitable. Much as in the case of the House, the six largest senatorial districts contain a majority of the state's population, yet these districts choose but sixteen percent of the Senate. Conversely, twenty districts (a majority in the Senate) have less than twenty percent of the state's population. By and large, control of the Florida Senate centers in the north and west Florida areas of counties of small population.

A proposed constitutional amendment offered to the voters in the 1956 election would have organized the State Legislature more along lines followed by the federal government. Under this proposal, membership in the Senate would be increased from 38 to 67, with each county choosing one senator. The number of members of the House of Representatives would have been increased from 95 to 135. Each county would have had one representative, and the remaining 68 of the 135 representatives would have been given to those counties with a population in excess of 8,000. Based on the 1950 census, each county would have received an additional representative for each 33,618 inhabitants.

The amendment failed to receive voter ratification, for even greater disproportion would have been possible than under the existing system. In the Senate, Dade County would have chosen one senator for its 495,084 population. Likewise, Liberty County with its 3,000, would have chosen one senator. In the House of Representatives, under the proposed plan, thirty percent of the state's population (using the 1950 census figures) would have been able to choose a majority of the House. Although this would have constituted some

improvement in the House, the gain may have been offset by later population growth.

Control of the State Legislature centers in rural north and west Florida regardless of population considerations. Furthermore, residents of these areas have not shown any marked signs of willingness to relinquish control. As disparities in population increase, it is only natural that the people of south Florida clamor for greater representation, yet under the existing system little has been accomplished. As the rural-urban split widens, the issue of apportionment will become increasingly intense.

Reasons for the reluctance on the part of the people from north and west Florida to relinquish control of the Legislature are both numerous and complex. Primarily, these people feel that fair re-apportionment might relegate their problems and needs to a secondary status. Any change in methods for dividing certain state revenues, for example, could work a serious hardship on the less prosperous areas of north and west Florida. The people of north and west Florida view with dismay the huge pluralities piled up for candidates for statewide office in south Florida. Opponents of re-apportionment argue that the urban areas control the Governor and his Cabinet because these officials are elected statewide. Rural domination of the Legislature is propounded as a check upon the "urban" Governor as the most equitable means of balancing opposed interests.

An amendment to alter the present apportionment system would require an affirmative vote of three-fifths of both Houses of the Legislature. Since the less densely populated counties have a majority of representatives and are thus able to exercise control over this process, it is doubtful that any such revision is in the immediate offing.

Legislative Procedure

To the ordinary person seated in the gallery of the House of Representatives during the legislative session, the scene must sometimes appear to be one of hopeless disorganization and confusion. Similar impressions may occasionally be gained in the Senate, although the House more frequently appears to be in a state of chaos because of its large membership. A cursory glance may reveal a member making a speech to which little attention is given. Members move about at will, enter or leave the chamber, lean across their desk to converse with neighbors. Some read newspapers, eat sandwiches, drink coffee. Desks are piled high with papers or token gifts presented by some organization. Page boys and messengers scurry up and down the aisles. Guests of members crowd the floor, adding further to the apparent confusion. School groups file in and out of the gallery. The scene is kaleidoscopic, and the unknowing person may well leave the chamber wondering how any order could emerge from such a scene of confusion.

Yet there are rules to the game, and beneath this scene of apparent chaos lies a definite, fixed method of procedure. With time-honored rules reaching back over the centuries, strict parliamentary procedure guides all members and

is enforced by the ringing gavel of the Speaker of the House and of the President of the Senate. To enact law is the chief function of the Legislature, and the procedure by which a bill becomes a law is iron clad. Any consideration of the Legislature, then, must discuss the manner in which legislative proposals are enacted into law.

First it is necessary to classify the various types of proposals that will be received and considered in a legislative session, since different types of proposals are used for different purposes. On the whole, in the course of a normal sixty-day session, the Florida Legislature will consider some 3,000 or more proposals. These proposals may be classified under four main headings.

The most important type of proposal introduced in the Legislature is the bill. If a bill is passed in the same form by both houses, it becomes a part of the state's statutory law (providing it does not receive the executive veto). Statutes are bound in the Florida Code, and supplements to the Code are published following each legislative session. Bills are sometimes classed as general (applying statewide) or local (applying to a given locality), though this designation is informal.

Other types of proposals occur less frequently than bills. A proposal carrying the designation "joint resolution" is used for possible amendments to the state constitution, later to be ratified or rejected by the voters. A concurrent resolution deals primarily with matters internal to the Legislature, such as the establishment of a joint Senate-House committee. Concurrent resolutions are also used to express an "opinion" of the Legislature not having the force of law. For instance, if the Legislature were desirous of expressing an opinion on a Supreme Court ruling, a concurrent resolution might be adopted. A "House" or "Senate" resolution is used to express the sentiment of a single House, usually of congratulation, condolence, or relating to procedure. Memorials are another type of proposal and are most frequently used to petition the federal Congress on matters of interest to the state. The Governor has no control over the joint resolution, the concurrent Senate or House resolution, or the memorial, since these are not subject to executive veto.

Most legislative time is spent in considering bills. Bills are of different origins; they may be drawn up by the executive branch, by individual constituents, or by members of the Legislature. If a legislator desires to draft his own bills, he may receive a "Manual" which will assist him with regard to form and style. Most bills are prepared by a bill-drafting service which operates under the Attorney-General and exists to serve legislators. The service concerns itself chiefly with style and form, being careful at the same time to preserve the intent of the legislator for whom the bill is being prepared. Such a service helps to ensure that bills will be in proper form and that stylistic errors will be kept at a minimum.

The form by which a bill is expressed is very important, and certain requirements concerning it are outlined by the Constitution. All proposed bills must be limited to one subject which must be expressed briefly in the bill's title. Bills considered by the Florida Legislature are thereby freed from extraneous "riders", or material which does not pertain to the main subject of

the bill. All bills must be prefaced by the enacting clause: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA", and there are no exceptions to this rule. As a bill is prevented from becoming law without this clause, a motion sometimes heard on the floor of the House or Senate to "strike the enacting clause" is in actuality a motion to defeat a proposed piece of legislation.

While bills may be drawn up in a wide variety of places by an equally wide variety of persons, they must be introduced and sponsored by members of the Legislature. There is no limit to the number of bills a legislator may introduce, as there is in some states. Bills may be introduced in either chamber, or in both chambers simultaneously. To introduce a bill, a legislator simply presents an original and five copies of the measure to the Clerk of the House or to the Secretary of the Senate.

Once a bill has been presented to either the Clerk or the Secretary, its course through the legislative hurdles is fixed. Since about one-half of the proposed legislation falters along the path, it is necessary to review the course of a bill as it moves on its way to become law.

Assume that Bill X has been presented to the Clerk of the House of Representatives. Now a number of preliminary steps follow in sequence. The bill is assigned a number (bills are numbered consecutively as the Clerk receives them), and provision is made for the disposition of the various copies. Provision is also made, if it is a general bill, for having it printed. Until 1955, it was not a practice of the Florida Legislature to print bills; but in that year a House rule provided for the printing of 250 copies of general bills following their introduction. The bill is then turned over to the Speaker of the House for reference to a committee.

Bills are given three readings in the course of passage through the House. The first reading takes place following presentation of the bill to the Speaker. At this time the bill is read by its title only; the chief purpose of this first reading is to dispose of the introductory process and publicly to assign the bill to a committee.

The committee stage of a bill is perhaps the most important part of the present-day legislative process. It is during this stage that proposed legislation is closely scrutinized by a small group of legislators who are specialized in the subject matter of the bill. Also, through testimony given at public hearings, legislators are able to obtain the opinions of private citizens and other interested parties regarding the proposed piece of legislation.

There are many types of legislative committees. Most classifications would include: (1) the standing committee; (2) the special committee; (3) the joint committee; (4) the conference committee; and (5) the interim committee. There is also the Committee of the Whole used in the Florida House of Representatives whereby the House suspends the usual rules of parliamentary procedure and meets as a committee. Since organization under committee rules is more informal than under parliamentary rules, and debate is not limited, the Committee of the Whole may serve a wide variety of functions in the legislative process.

Standing committees are an integral part of the organization of each legislative chamber. Used chiefly as a means to give close scrutiny to bills they are organized in small special groups along subject-matter lines. As the sizes of the two legislative chambers prohibits extensive consideration therein of all bills, the standing committee serves a definite purpose regarding legislative direction.

The number of standing committees in the Florida Legislature varies from Chamber to Chamber and from year to year. In 1955, the House of Representatives had fifty-six standing committees; in 1957 there were fifty-three standing committees. Membership on House committees ranged from six to twenty-seven. In the Senate there were, in 1955, thirty-eight standing committees, and in 1957 there were forty standing committees. Designation of committees is by subject, such as judiciary, agriculture, education, finance, etc. As might be expected, variation in subject matter is wide; and some committees have more to do than others. The more important committees, such as finance, roads, education and a few others, are considered especially desirable by legislators since these committees generally receive much publicity. Membership on committees is determined by the Speaker of the House and by the President of the Senate, and it is usual for these officials to reward those legislators who supported their bids for leadership by giving them places on the "preferred" committees.

A number of committees in both the House and the Senate deal with the internal affairs of those chambers. There are standing committees on legislative management and expense, for engrossing and enrolling bills, and, most important of all internal management committees, the Rules Committee.

Special committees are created to perform a given function. Once that function has been accomplished and a report issued, the committee will disband. Investigation of a specific problem in state government may necessitate a special committee. On the whole, special committees are not too widely used by the Florida Legislature, although special committees have accomplished some noteworthy purposes. One outstanding job was performed by the Special Joint Economy and Efficiency Committee of the 1943 Legislature. The report issued by this body constitutes one of the outstanding studies of Florida's administration yet performed.

Joint committees are rare in Florida except for interim purposes. However, while not formally recognized, committees of the House and Senate may schedule joint meetings for the consideration of certain bills. Benefits from this procedure in regard to group thinking, the saving of time and money, and the gathering of information are readily apparent. Each committee prepares a separate report to its respective chamber following joint meetings; the joint committee report is rarely used in Florida.

Conference committees are used chiefly to iron out differences in a bill that has passed both the House and Senate in different versions. Since before final enrollment the measure must have passed both chambers in identical form, the conference committee expedites procedure. On most bills a compromise is easily reached, and the legislation is re-passed by both chambers in identical

form. Where compromise is impossible and differences cannot be worked out, the legislation will not pass.

Interim committees are those which function while the legislature is not in session. Interim committees are usually joint committees and are also special committees. That is to say the members of both the House and the Senate serve in interim committees, and that an interim committee has a specific purpose to accomplish. The aforementioned Special Joint Economy and Efficiency Committee concerned itself with Florida's administrative patterns. Another body of this type was the tax study committee of 1949. Interim committees are necessary because of the great press of legislative business, the need for information, and the short legislative session. With the creation of the Legislative Council and Reference Bureau, the need for interim committees has declined, and the great body of research work is carried on by the Council. Interim committees, however, are still appointed to carry on a type of research which the Council cannot handle.

There is no fixed time for scheduling meetings of standing committees. While a few meet daily, most are convened at the call of the Chairman. To ascertain committee meetings for a given day, the visitor must consult the committee bulletin board outside the door to each legislative chamber. As there are many committees, a legislator may find that he is supposed to be in attendance at two committee meetings held at the same time. While some inroads have been made into solving this problem, it is generally evident that (1) there are too many standing committees; and (2) the number of committees upon which an individual member serves is far too great to allow him to be an expert in all the necessary subject areas.

Committee meetings are open to the public, and generally any person will be allowed to express himself on a proposed bill. House rules provide that persons who intend to appear before committees with an aim at influencing legislation must first register as lobbyists. The Senate does not attempt to regulate lobbying through this device.

Standing committees of the Florida Legislature are generally prevented from "pigeonholing" bills by failing to report them back to the Legislature. In the House, a bill must be reported back within fourteen days after reference to a committee, while in the Senate the period is ten days. On occasions, the committee may request and be subsequently granted an extension of time on a given piece of legislation. On other occasions the House or Senate may specify a time other than ten or fourteen days for a given bill. While it would seem impossible for a bill to be "bottled up" in committee under present House and Senate rules, such a practice may occur towards the end of the legislative session.

Senate committees do not record proceedings of committee meetings nor of the vote taken on a bill. House committees, on the other hand, keep a record of the time and place of meeting, members in attendance, attendance of lobbyists and other interested persons, together with the vote of committee members. This information must be filed with the Chief Clerk for examination.

Returning to Bill X which has been assigned to a committee and upon which a hearing has been held, the committee is now ready to report the bill back to the House. A bill may be reported by the committee with the recommendation that it "do pass", or that it "do not pass", or that it be passed with amendments (supplied by the committee), or the committee may propose a substitute bill. Procedure is the same in the Senate, except that Senate committees may refer a bill back "without recommendation". Bills reported back with amendments, with a "do pass" recommendation, or a substitute bill provided by the committee, are placed on the House calendar for consideration. Bills reported with a "do not pass" recommendation are usually tabled, although a two-thirds vote in either the House or the Senate may place them on the calendar despite the committee's recommendation.

If Bill X has been given a "do pass" recommendation, it may be placed on one of several calendars. General classification of calendars include: (1) local bills; (2) general bills of local application; and (3) general bills. Bills are taken up in the Legislature in the order in which they appear on the calendar. The calendars of both the House and the Senate are prepared daily. All calendars are printed as one document which is divided into sections. The general calendar will consist of House and Senate bills on second or third reading. Appearing on the calendar will be the number of the bill, the name of the introducer, the title and a statement regarding the committee report.

Early in the session, the calendar is disposed of each day. However, the work of the Legislature gradually piles up on the calendar, and so it is necessary that certain changes be made in order to pass the more important legislation. For the last twenty-five days of the session, the House Rules Committee prepares a special-order calendar which gives priority to bills it considers to be most important. Similar procedure is followed by the Senate Rules Committee, except that jurisdiction over the calendar is not taken until ten days prior to the close of the session. During the last three weeks of the session, it is virtually certain that a bill must be on the special-order calendar if it is to have any hope of passage. Matters on the regular calendar are seldom reached. If the Rules Committee fails to put a proposed piece of legislation on the special-order calendar, this may be accomplished by a two-thirds vote in the Senate and by unanimous consent in the House. Since both these votes are difficult to achieve, bills rarely reach the special-order calendar by this means.

Having been placed on the calendar and having reached the top, Bill X is then given its second reading. The second reading must be in full, unless this requirement is waived by a two-thirds vote, at which time the first and last lines are usually read. At this time the bill is debated and amendments from the floor may be offered. Usually, before offering amendments, the chairman of the committee handling the bill and the bill's sponsor are consulted. Upon occasion, a legislator may propose to "strike everything after the enacting clause" and then offer a substitute bill.

Debate in the Florida Legislature is limited in both chambers. Unlike the United States Senate, where a bill may be "filibustered", speeches in the Florida Senate are limited to thirty minutes. No Senator may speak more than

once on a bill, if this prevents other Senators from speaking. Before anyone can speak twice on a bill, permission must be obtained from the Senate. In the House, a member may speak for fifteen minutes on a bill for the first thirty-five days of the session, but in the last thirty-five days the allotted time is cut to ten minutes. Such are the limitations imposed by the short legislative session. Debate may be halted at any time in the House following House approval of a motion for the "previous question". The effect of such a motion is to call for a vote on the bill under immediate consideration.

Even with strict limitations on debate, a variation of the filibuster may occur. This is due to the press of business in the last few days of the session, where every minute is of the utmost importance. Four or five Senators may defeat a bill by using their allotted thirty minutes time. Because this version of the filibuster is hardly as dramatic as that found in the United States Senate, it is sometimes difficult to know if a filibuster is actually taking place. More properly, the Florida "filibuster" would be termed as simply delaying tactics. A roll call vote in the Senate may occasionally be an example of a delaying tactic. Since the House uses electric tally boards to vote, the use of the roll call for "stalling" is ineffective in that Chamber.

Having gone through its second reading and subsequent debate, Bill X may be (1) referred back to committee; (2) defeated; (3) passed with amendments or (4) simply passed. If the committee report has been "do pass", the bill will most likely pass, or pass with minor amendments. As the committee has had time to give the bill adequate consideration, and the entire Legislature does not, the committee recommendation is usually accepted. Following passage the bill is engrossed, a procedure whereby the bill is retyped for final consideration, incorporating the changes made in it up to that point. The bill then goes to the calendar for the third and final reading. After a bill has been engrossed, proposed amendments or motions to refer it back to committee are rare. Upon reaching third reading, the bill is theoretically supposed to be read in full. In practice, however, this requirement is generally met by reading the first and last lines. Essentially, the purpose of the third reading is to put a formal stamp of approval on the work already done.

Following passage in the House, Bill X is then sent to the Senate, where it must go through the same procedure for passage. However, most bills introduced in one chamber will have companion bills introduced in the other chamber at the same time. Hence, work on most measures proceeds simultaneously, and often bills are passed within a few days of each other. On occasions, when a given bill has passed one chamber and its companion bill is still on the calendar in the other, the bill already passed will be substituted for the companion bill. In the event that amendments are added to a bill already passed in the other chamber, the bill is returned to that chamber for concurrence in the added amendments. When the originating chamber does not accept the added amendments, a conference committee is arranged to see if a compromise can be reached. Usually a compromise is reached, and both chambers accept the recommendations of the conference committee.

Having been passed in identical form in both houses, the bill is enrolled.

The enrollment procedure involves copying it on permanent record paper and having it signed by the Clerk and Speaker of the House, and the Secretary and President of the Senate. Following this, the bill is sent forward for the Governor's consideration. The Governor may sign the bill, and then the bill becomes part of statutory law within sixty days after the final adjournment of the session, or as specifically indicated by the law. If the Governor decides to veto the bill, he has five days (Sundays excepted) in which to do so and to return the bill to the chamber in which it originated, together with his reasons for his veto. If the Governor does not sign a bill, it may become law without his signature after the passing of the five-day period. However, if the Legislature adjourns before the five-day period is up, the Governor has twenty days to consider the bill before it becomes law without his signature. Florida's Governor does not have the "pocket veto" as does the President of the United States. If the Governor vetoes the bill before the end of the twenty-day period, he may file his objections with the Secretary of State, and the legislature will take it up again at the next regular session.

In regard to appropriation bills, Florida's Governor has the item veto. That is to say, he may veto certain items of a bill and approve others. In other types of bill the veto power is general, either the Governor must pass the entire bill, or he must veto it. A bill, or items of an appropriation bill, may be passed over the Governor's veto by a two-thirds vote in both houses of the Legislature. The procedures for returning bills that have been subject to either the general veto or the item veto are the same.

Leadership

In many legislative bodies it is possible to draw distinct and clear lines between "formal" and "informal" leadership, or to divide leadership functions of "organization" and "party". Unfortunately, patterns of leadership are not clear-cut in the Florida Legislature; there appears to be a great deal of overlap, and also considerable independence on the part of party members. As V. O. Key stated, the party in Florida reduces to virtually "every man for himself".

Although largely hamstrung by loose party organization and by rigid Constitutional provision, the Governor must be classified as a legislative leader. While actually outside the pale of formal or informal organization, the Governor is able to give legislative direction through periodic messages, by his veto or the threat of veto, and by his political sagacity. Of the three, the latter is probably the most important, and the effectiveness of a governor will depend in large measure upon his own personality. The Governor generally has a "program" and has friends in the Legislature to see that attention is given to this program. In such fields, the Governor must be classified as a Legislative leader.

Of the official officers chosen by the Legislature, the Speaker of the House and the President of the Senate are by far the most important. Both officials are vested with the power to make committee appointments from among members of the Legislature. Furthermore, both officials have the power to

assign bills to the various standing committees. This is an important function since both officers well know that in assigning a bill to a certain committee they may virtually insure its passage or defeat. There are, of course, limitations on the power of the Speaker and the President, and they cannot openly flaunt the rules of the game. It would be virtually impossible, for example, to assign a bill dealing with road construction to one of the education committees. Furthermore, both the House and the Senate may overrule the chair regarding assignment of bills, though this occurs at infrequent intervals. Unpopular legislation is sometimes assigned to two or more committees, a maneuver which virtually assures defeat of the bill, providing, of course, it is not an appropriations bill which must be considered by both the Appropriations Committee and the pertinent subject-matter committee. Nonetheless, the presiding officers are in a position to legally obstruct the passage of legislation to which they are opposed. Finally, both the Speaker and the President have the power to recognize members who wish to speak from the floor and to make certain parliamentary rulings. As they are in a position to keep business flowing, the effectiveness with which the Speaker and President operate will largely determine the success of the legislative session.

Other officials who make up a part of formal legislative organization are the Clerk of the House and the Secretary of the Senate. Finally, both houses appoint door keepers, sergeants-at-arms, and other minor functionaries.

Although the Legislature lacks rigid party organization, the inter-relationship between the party caucus and the formal organization of the Legislature is quite considerable. By definition, a caucus is a closed meeting of party members for purposes of carrying on party business. Caucuses may be either formal or informal. Generally, a formal caucus is called by party leaders or convenes regularly at a given place and time. In Florida, a formal caucus is called after the primary elections and is attended by Democratic candidates for legislative seats. Presiding over the House caucus is the Speaker and over the Senate caucus, the President pro tem.

An informal caucus may be held at any time or any place where legislators congregate. Interim informal caucuses serve to acquaint newly elected members with problems facing the Legislature. The informal caucus generally serves as a medium of discussion of public issues, the choosing of sides, or the realignment of votes on a particular issue. On the whole, vital matters of "politics" are caucus decisions which are made away from the possibly glaring light of public misunderstanding or mis-interpretation.

One of the chief functions of the caucus is to nominate candidates for Speaker of the House and for President of the Senate for the future legislative session. In effect, both the President of the Senate and the Speaker of the House are chosen two years in advance. As soon as a candidate for this office feels that he has sufficient votes in his chamber, his move is to press for a caucus. Generally, this takes place early in a legislative session and is disposed of so that the Legislature may move on to more pressing business. Also nominated by caucus, though for the most part a mere formality, are the Clerk of the House, the Secretary of the Senate, various reading clerks, a chaplain and a sergeant-at-arms, for each chamber.

Until recent years, caucus in the Senate for purposes of choosing the future President has been participated in only by "holdover" senators. In the 1955 session, however, the full Senate took part in the selection, and a new precedent may be in the offing.

For all practical purposes, receiving the Democratic party nomination by caucus is tantamount to appointment. While the few Republicans in the House hold a separate caucus, their chances of electing Republican nominees to official House positions are virtually nil. While in theory all caucuses are closed to the public, general practice has permitted them to be widely attended by both the public and the press. This, however, is the formal type of caucus, and if desired, visitors may be expelled from the chamber while the caucus is proceeding.

The caucus serves a definite need in legislative bodies, for it is the behind-the-scenes activity which is sometimes most vital in securing compromise and in exchanging ideas. To use a colloquialism, the caucus frequently helps to "grease the legislative skids"; a retreat where views and ideas can be frankly exchanged without fear of bad publicity. In Florida's House especially, the caucus is the only device whereby that Chamber may meet in secret session, since the Constitution provides that the "doors of the House shall be kept open at all times". As the Senate is empowered by the Constitution to meet in executive or "closed" session, the caucus is not so widely used in that chamber.

Unlike most legislative bodies where the two-party system holds sway, the Florida Legislature makes no provision for majority floor leaders, steering committees, or whips. A good deal of leadership in Florida is of the informal variety and may be compounded by such intangible factors as length of legislative service, a winning personality, or special knowledge of a subject. Permanent alignments among legislators do not appear to exist except on certain given issues, such as apportionment of representation. Even here the motivating pull is somewhat tenuous. Generalizations concerning leadership over a broad span of time are impossible.

Legislative Publications

The calendars of the House and Senate, as noted previously, are published daily, and they show the order of business of the day. Bills appear by number and title, with the sponsor's name and the recommendation of the committee. The House calendar lists measures by type (general bills, local bills, etc.), and also provides space for certain Senate bills. Unless a special order of procedure is dictated by the Rules Committee, bills will be considered by classes on certain days, with priority given to bills at the top of the list.

Local measures appear once a week on the Senate calendar, and for this reason it is usually shorter. A local bill is sometimes referred to in the Senate as being on the "invisible" calendar.

Both chambers publish Journals which record proceedings in each chamber on a day-to-day basis. Debate is not recorded in the Journals, but members may

file statements explaining reasons for a vote on a particular issue. Both the House and the Senate Journals are printed in substantially the same form and contain titles of bills, votes on legislation if requested by five members, and other action taken on pending legislation. Also included in the Journals early in the session are committee assignments and rules of procedure. Memorials and resolutions are recorded in full, as are amendments to bills.

The session laws are a compilation of those statutes enacted during the course of a legislative session. At first printed in pamphlet form and distributed to interested persons and organizations, session laws are later bound in book form. Session laws are bound in two volumes, the first volume containing general laws and the second containing local laws. The first volume also contains joint resolutions, concurrent resolutions and memorials adopted during the session.

The Legislative Council

As state legislative work grows in volume and complexity, a need develops for special machinery to share in the making of public policy and to study and plan a legislative program. The legislative council idea partly fills this need. It can be described as a master interim committee empowered to gather facts, prepare a program, and recommend legislative action.

The 1949 session of the Florida legislature created the Legislative Council and also provided for a permanent staff known as the Legislative Reference Bureau. A total of eighteen members make up the Council, one senator and representative from each of the eight congressional districts. The President of the Senate and the Speaker of the House also serve on the Council as ex-officio members.

The Council serves to direct the activities of the Reference Bureau. This Bureau consists of a director and a staff of specialists in such fields as law, economics, and political science. Reports are prepared by the Bureau at the specific request of the Council on matters of interest to the Council. These reports are subsequently submitted to the Legislature along with the Council's recommendations regarding the subject under consideration.

During legislative sessions, the Bureau acts as a fact-finding service for individual legislators where only limited time to locate the information is available. One of the main activities of the Bureau is to prepare summaries of bills which are up for legislative consideration. These summaries help the average legislator to broaden his familiarity with the wide variety of legislation about which he must reach some conclusion. The Council, among other activities, may sponsor a school for "new legislators" in order to familiarize them with procedure and duties of office. The general contribution made to the Legislature by the Council and Bureau is extremely important and has proven its value.

Legislative Problems

A number of problems confronting the Florida Legislature, such as apportionment of representation and inadequate salary for members, have already been treated and need not be reviewed here. A few others, though briefly touched upon, should be examined further.

Lobbying is a continual problem of Florida's Legislature. Only the House places any restrictions on the lobbying activity. While it can hardly be said that all lobbying is bad, certain unscrupulous elements may employ lobbying techniques to the great detriment of the general public. In any event, it would seem that the general public has a right to know "who", "for whom", "for what", and the amount of money that is to be spent to gain these ends. It would be most unfortunate for democratic government if the lobbies, sometimes termed the "third house", were to become dictators to the Legislature. Lobbying regulations should not only extend to private individuals and organizations, but also to government officials who sometimes act in a dual capacity with telling effects.

The extensive and elaborate committee system of the Florida Legislature is open to serious question. It may well be that the committee function could be performed more adequately and more efficiently with fewer committees. The federal Congress, which passes on a maze of public business, seems to operate quite efficiently with fewer standing committees than the Florida Legislature. While this argument is hardly conclusive, a real re-examination of the committee system might produce beneficial results. In brief, fewer committees, more specialization, and longer committee sessions would probably be of considerable help in making Florida's Legislature a more effective body.

Finally, the lack of a two-party system is considered by some as a problem of considerable magnitude. A working two-party system, however, cannot be created out of thin air. Further, although there are definite benefits to be derived from bi-party criticism, party discipline and party organization, all providing the competition on which democracy thrives, still it must be admitted that the history of government in Florida has been far better than in many states which boast of two strong, active political parties.

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CHAPTER VI

THE EXECUTIVE BRANCH

Introduction

Common to all systems of government is a need for orderly and efficient administration of public policy. As we have seen, in democratic countries the making of public policy (or law) is largely accomplished by the legislative branch of the government. However, to become effective, legislative policy must be applied and interpreted in terms of practical everyday situations. The application, and to some measure the interpretation, of public policy is the chief function of the executive branch of government.

Execution of public policy may be accomplished through a wide variety of devices. Executive authority, for example, may be vested in one man, or in a number of men acting collectively. Uruguay and Switzerland, both democratic countries, utilize the collegial, or collective, executive authority. In Germany under the Hitler regime there was little doubt that supreme executive authority was vested in the person of "der Fuhrer". In England, and in many continental countries, election to the legislative branch is a pre-requisite for assuming executive authority.

In most instances it is difficult to locate the true center of executive authority. The discerning student will be wary of such phrases in constitutions as "the supreme executive authority is vested in . . .", for in many cases they do not name the real center of executive authority. The King of England may reign, but he does not rule; the President of France is a mere figurehead; and to identify the real executive authority in Russia is sometimes quite hazardous. One thing appears certain: it is not the President of the U.S.S.R.

If we appear to have wandered far afield, it is for a definite purpose. In the first place, any comparison of one form of executive administration with apparently the same form found at another time or place is a dangerous undertaking. In the second place--and this is particularly applicable to Florida -- it is sometimes difficult to locate the true center of executive authority.

Evolution of a Governor - A Thumbnail Sketch

The position and duties held by the American state governor are somewhat unique on a worldwide scale. The office is peculiarly American and is a substantial part of America's contribution to democratic development. One is hard pressed to find an officer in other countries who enjoys the prerogatives, the duties, and responsibilities of U. S. state governors. It would be nice to point to a body of theory and orderly development which created and expanded the role played by this officer. Unfortunately there is no theory, and the evolution of "governors" has been anything but orderly. So it might be well

to pause and ask. "Whence sprang this creature?"

The office of state governor traces its origins to the colonial period. Beyond that point a tenuous link might be extended back to Roman provincial governors, such as Pontius Pilate, or even to the satraps of old Persia. However, the office as we know it, for all practical purposes, was born from necessity to carry on the "King's business" in his American colonies.

While there was some home rule in the thirteen colonies, the colonial governor was usually the King's representative, was appointed by him, and looked to London for whatever direction he needed. In general, the royal governors were "strong" governors (sometimes termed "tyrannical") who not only controlled their administrative branches, but meddled quite effectively in legislative and judicial affairs. Whatever check the colonial assembly had on the governor lay chiefly in its power to apportion taxes and make appropriations. While assemblies were oft-times able, using the "lever of the purse", to bend a stubborn executive, in a number of other cases the governor simply ignored whatever clamor might be raised. In one instance Governor Berkeley of Virginia engineered the election of a "subservient" assembly and refused to permit further elections for a period of fourteen years. Such highhanded tactics were not uncommon.

Following the American Revolution, a deep-rooted and previously latent wave of democracy swept over the thirteen new states. "Let the people rule" was the cry, and, although the number of people who actually participated in many state governments was small, lip service was paid to democratic forms of government. One point, however, was agreed upon by most people in all the states, namely, that real checks should be placed upon the powers of the governor. The value of that official as an administrative officer was conceded; furthermore, the people were used to a single executive. Hence, the office would be retained in the new state governments, but the days when the governor could flaunt his authority at the legislature had passed. Unfortunately, as in most periods of change and reaction, many states were overzealous in limiting executive power. As a result, "weak" governors emerged who were unable to offer any leadership, and were even unable to control their own administrations.

Each of the separate states, and the United States as a whole, is committed to the general philosophy that there should be definite restrictions on executive authority. The question is essentially one of degree, for since the American Revolution the powers of state executive officers have risen and fallen with the times. Some states today have "strong" chief executives who exercise considerable legislative influence and who really control their administration. On the other hand, some state chief executives find themselves hamstrung by outmoded constitutions, subjected to all sorts of legislative controls, and virtually unable to direct the administration for which they are apparently responsible.

Under its various constitutions, Florida has had both strong and weak governors in terms of power exercised over the executive branch. Under the territorial government, a council was appointed by the President of the United States to assist the Governor in administration and to act as a limited legislative authority. The Constitution of 1845 gave most of the executive power to the

legislative branch, with the Secretary of State, Comptroller, Treasurer, and Attorney-General all being appointed by the Legislature. The Governor's appointive powers were limited to a Paymaster General, an Adjutant-General, and some lesser officials.

During the Civil War, Florida cast its fortunes with the Southern Confederacy and was subsequently subjected to military occupation by Union armies. In 1868 a new constitution was written for Florida which provided for a highly centralized and integrated executive organization. Subject to consent by the State Senate, the Governor appointed his entire Cabinet. However, because of a reaction to carpetbag rule and because of charges of corruption, the Constitutional Convention meeting in 1885 proposed limitations on executive authority. These were duly enacted into the new document, and today they determine the organization of Florida's executive branch.

In view of constitutional and other grants of power, Florida has a "weak" governor. In actuality, Florida has seven governors, for each member of the Cabinet is elected independently and is not necessarily bound to follow gubernatorial direction. Furthermore, Cabinet members have one noteworthy advantage over the Governor, as they can succeed themselves; the Governor, however, is limited to a four-year term. Being eligible for immediate re-election, Cabinet members have shown a recurring ability to get re-elected, and generally without opposition. Hence, an incoming Governor is likely to find a ready-made Cabinet which may or may not be in sympathy with his policies. This relationship was well described by the Report of the Special Joint Economy and Efficiency Committee of the 1943 Legislature:

"The Governor, charged by the Constitution as Florida's chief executive, has no direct authority over the Cabinet or the activities of the several departments headed by Cabinet members. Only through his prestige, personality and party leadership can the Governor assume the responsibility vested in him by the Constitution but also denied him by that same instrument in providing for the election of cabinet officials. Fortunately, the position of the Governor on the whole has been such that coordination has been the rule. To prevent friction from occurring, action is sometimes postponed or not taken. This "do nothing" may be worse than friction. But friction, independence of action, and failure to act have occurred in the past and there is no guarantee that they will not again develop in the future."

Members of the official Cabinet (Secretary of State, the Comptroller, Attorney-General, Treasurer, Superintendent of Public Instruction, and Commissioner of Agriculture) not only head various important agencies, but also assist in overall administration through the device of the ex-officio boards. For purposes of encircling himself with trusted advisors, the Governor appoints a "little cabinet" consisting of officials in whom he places special trust. The latter, however, is strictly an informal organization, though it may have considerable import in determining executive policies.

In theory, the practice of dividing executive authority among a cabinet, departments, or ex-officio boards is a means for providing a check on the executive branch of government. The general philosophy holds to the view that an officer who abuses his power or fails to satisfactorily perform his duties could be removed either by the voters refusing to re-elect him or could be subjected to impeachment proceedings.

Florida's Governor

According to the Florida Constitution "the Supreme Executive Power of the State shall be vested in a Chief Magistrate who shall be styled the Governor of Florida". As in most states, to become governor a prospective candidate must meet certain qualifications. To be eligible for the gubernatorial chair a person must be a qualified elector of the state and must have been a citizen of the United States for at least ten years. Further qualifications include five years of residence in Florida immediately preceding the time of election. Florida does not have any age limitation, such as is provided for by many states. In general, the existing qualifications are easy to meet and open the governorship to almost anyone who sincerely desires to seek that office.

Florida's Governor serves a four-year term and is not eligible to succeed himself. However, after four years out of office a governor may seek re-election. Nonetheless, only one Governor, William D. Bloxham, who was first elected in 1880 and again in 1896, has served for more than one term.

Regarding gubernatorial succession, special attention should be paid to the case of Governor LeRoy Collins who may appear to some to be in his second successive term. The answer centers around the question of succession in the event of death or disability of the governor. In January, 1953, Dan McCarty was inaugurated as Governor of Florida. However, following a brief illness, Governor McCarty died in the latter months of 1953. As Florida does not have a Lieutenant-Governor, the Florida Constitution provides that in the event of the death or disability of the Governor, the duties of the Governor's office shall devolve upon the President of the Senate, who shall serve as Acting-Governor. In keeping with this provision, Charlie E. Johns, then President of the Senate, assumed the duties of Acting Governor.

Question was then raised as to the length of Acting Governor Johns' term of office, and on this matter the Florida Constitution is silent. Was the term of the Acting Governor to be for the full unexpired term of Governor McCarty, or was it to be only until a new Governor could be duly elected? Following considerable litigation, the Florida Supreme Court ruled that the Acting Governor would serve out the unexpired term, UNLESS a general election for members of the Legislature occurred in the intervening period. As members of the lower House are chosen every two years, the effect of the Court's decision was to declare a special gubernatorial election in 1954, the winner to serve out the remaining two years of Governor McCarty's unexpired term. In a second primary run-off, LeRoy Collins defeated Charlie Johns for the Democratic nomination which was tantamount to election.

The question of succession arose once again in 1956, following Governor Collins expressed desire to serve a full four-year term. The matter was again taken up by the Supreme Court; and, in a unanimous decision, that body ruled Collins to be eligible on the grounds that he had not served a full four-year term. Interpretation provided that the one-term, no-succession clause of the Florida Constitution applied only when a full term had been served. Following entry into the 1956 Democratic Primary, Governor Collins scored an unprecedented first primary victory over five candidates.

Florida does not have the recall, and the only means of removing a governor from office, once elected, is through impeachment. The House of Representatives must originate impeachment proceedings, and trial is held in the Senate. If the Governor is found guilty, punishment shall extend only to his removal from office, although if a violation of law has occurred, the convicted person may be again tried in civil court, according to regular procedures of the law.

The Governor receives a salary of \$22,000 annually, a sum far below that paid to a comparable executive in private industry. The Governor and his family are also furnished a mansion in Tallahassee and provided an allowance by the Legislature for its operation and maintenance. In addition to his salary, the Governor also receives a contingency fund of about \$25,000 to spend almost as he sees fit. No official accounting of this fund is required, although it has been reportedly used for such purposes as hiring and paying special investigators, providing bonuses for office employees, or being channelled into some function that the Governor considers useful. Governor Holland, for example, allowed the fund to accumulate while he was in office, and he subsequently used the money to purchase land for inclusion in the capital center. Finally, as a "fringe" benefit, an automobile and a State Highway Patrolman are assigned to the governor.

The Governor and Legislation

The Governor of Florida has certain constitutional relationships with the State Legislature which must be satisfied at every legislative session. At the opening of each session he is required to address the Legislature as to the condition of the state and to make recommendations for legislation which he thinks necessary. The Governor generally uses this message to outline his program to legislators and to publicize it. The message helps, in part, to provide legislative leadership, for the Governor indicates lines to the Legislature which he would like it to follow. While the Legislature may ignore his message, a strong Governor may use the message to rally public support for his program and subsequently to exert pressure on the Legislature.

Practice regarding the message varies. Some messages may be in great detail, while others may carry few recommendations. Florida has had some strong chief executives and others who have limited their relationship to the Legislature with the summary phrase "You legislate, I'll execute"

In the event that the two legislative chambers cannot agree on the time of adjournment, the Florida Constitution provides that the Governor may set the date of adjournment, provided it is not beyond the time fixed for the meeting of the next Legislature. The Governor has the power to convene the Legislature in extra session when he deems that conditions warrant such action. This is accomplished by proclamation, and the Legislature is bound to consider only those matters for which it was convened. While the Legislature is in session, the Governor may call other matters to its attention if he desires. However, some initiative is left to the Legislature, for by a two-thirds vote in both Houses additional measures may be considered.

Whenever a bill has passed both Houses of the Legislature, it must be laid before the Governor. The Constitution permits him five days in which to consider the bill. If the Governor approves of the measure he will sign it, and it becomes law. If he does not sign it within the five-day period (Sundays excepted), he may return it with his objections to the House in which it originated. If he fails to take action within the five-day period, the bill may become law without his signature. Many bills, especially local legislation, have become law without the Governor's signature.

A two-thirds vote in both Houses is necessary to pass a bill over the Governor's veto. As a result, the veto power may be used as a strong influence over pending legislation. Even a threat of veto is sometimes sufficient to deter measures from legislative passage. Florida's Governor does not have the pocket veto, as do a number of state chief executives, for bills of all classes in Florida may become law without the Governor's signature. Where the pocket veto is used, it applies only to laws passed in the latter days of a session. In the U. S. federal government, for example, the President is given ten days to review a bill. However, if a bill is passed on the last day of Congressional session, the President will obviously not have ten days in which to consider it, and it would be impossible to return it to Congress. Since bills cannot become law without the President's signature, and it is impossible to return the measure to Congress, the President figuratively "pockets" the bill, thereby applying the pocket veto.

In Florida, laws passed in the last few days of the legislative session cannot be made subject to pocket veto. The Governor must veto a bill, or it becomes law. If the Governor chooses to exercise the veto prerogative after the end of a session, he has twenty days from the conclusion of the session in which to do so, and he must then file his objections to the measure with the Secretary of State for consideration by the Legislature at the next session. The Legislature may then override the veto.

The Item Veto

Florida is one of the thirty-eight states that permit the Governor to veto individual items in an appropriation bill without vetoing the entire bill. When the Governor rejects an individual item, he is required to state his objections

to it, and the rejected part becomes law only if the Legislature overrides his veto. Consequently, the item veto has given the Governor the opportunity to take a strong lead in determining the state's fiscal policies. While on the whole the item veto has been used sparingly, it serves as a definite check upon legislative appropriations and most certainly prohibits the nefarious practice of attaching "riders" to appropriation bills.

Appointive Powers

Florida's Governor may be classified as a weak governor because of a noticeable lack of appointive powers. To begin with, his Cabinet is elective, and each Cabinet member heads one of the six main governmental departments. Here the role played by the Governor is more that of a co-ordinator than of an administrator, with definite limitations even on the co-ordinating function. Cabinet members are not bound to follow gubernatorial direction, although more coordination is found than might be expected. Degrees of coordination and harmony are greatly dependent upon the personality and political sagacity of the Governor.

The only officials who, according to the Constitution, must be appointed by the Governor are officers of the State Militia and members of the Game and Fresh Water Fish Commission. As Commander-in-Chief of the State Militia, the Governor may appoint officers almost at will. Conferment of rank in the Militia is sometimes used as honorary recognition, and almost every Governor will appoint a few "Florida colonels". Distinction should be drawn between the Militia and the National Guard, the former comprising automatically all male citizens of the state between the ages of eighteen and forty-five, while the latter is the organized branch of the Militia. In time of war the Guard organization falls under direct control of the federal Defense Department, although in peacetime the Governor may use the Guard to suppress civil insurrection or other public disorder. Organization of the Guard otherwise follows lines laid down by the Department of Defense for the United States Army.

In agencies and branches of government not falling under the purview of a Cabinet member, the appointment powers of the Governor are considerable. Lesser appointments, for example, include the Game and Fresh Water Fish Commission, an independent regulatory agency, whose members are appointed by the Governor. Five members are chosen, and each serves a term of five years. Terms are staggered so that the Governor appoints one member during each year of his term. By sheer volume, the Governor appoints a large number of such minor functionaries to office. However, from a policy position, these appointments are of minor importance.

There does not appear to be any standard procedure followed in selecting gubernatorial appointees. In most cases the Governor will seek recommendations regarding the potential appointee from sources within the person's home county. As would be expected, potential appointees are usually persons known to be in sympathy with the Governor's program, or those who actively supported him during

the course of his campaign. Such matters as qualifications, experience, and general ability are also weighed by the Governor. In many instances advance notification in a county concerning a potential appointee is sufficient to bring forth opposition, if such exists. By this manner the Governor is able to pick and choose those functionaries who will best perform given tasks and who also have some measure of popular support.

There are serious limitations on the removal power of the Governor. Unless otherwise specifically stated, the Governor is unable to remove an official without consent of the Senate. Generally, all officers who have been elected or appointed and who are not subject to impeachment by the Legislature, may be suspended by the Governor. But this suspensory power is only temporary, and the cause for suspension must be laid before the Senate when it next convenes. If the Senate chooses to uphold the Governor's action, the official is removed from office. If the Senate refuses to uphold the Governor, the official is restored to office with back pay and other emoluments. Suspension may be made on the grounds of misfeasance, malfeasance, non-feasance, commission of a felony, drunkenness, or incompetency. Officials exempt from suspension, although subject to impeachment, are Cabinet members, Supreme Court Justices, and judges of the District and Circuit Courts.

From time to time it has been proposed that the Governor be given the removal power. However, this has not met with particular favor in the Senate, and there is no indication at the present time that changes are in the offing. Use of the suspension power has varied from governor to governor. Acting Governor Johns used the power rather freely, while the policy followed by former Governor Millard Caldwell was conservative. Definite policy or evidence determining suspension also varies. In the case of Governor Caldwell, suspension took place only after a grand jury indictment. Governor Warren, on the other hand, suspended local officials on the basis of audit reports and grand jury indictments. Having suspended an official, the Governor may rescind the suspension and restore the officer to duty.

Pardon and Reprieve

Florida's Governor may grant reprieves and suspend fines for a period not exceeding sixty days. Exceptions to this power are found only in cases of impeachment. The Governor must also file with the Legislature, when it convenes, a list of reprieves, suspension of fines, and pardons granted. The power to pardon rests in an ex-officio board made up of the Governor, Secretary of State, Comptroller, Attorney-General, and Commissioner of Agriculture. The pardoning power does not extend to cases of treason or impeachment. A number of pardons are granted every year, a few being awarded at Christmas or otherwise when the Board feels that circumstances dictate a pardon. Recommendations for pardon come from interested persons and from state officials connected with the penal system. The function of the Board is essentially that of a reviewing agency.

It is normal for the Governor to grant a reprieve if he has cause to believe an injustice may be perpetrated through the execution of a sentence. A reprieve does not commute sentence, but merely postpones execution temporarily. Where capital punishment is involved, the Governor may make broad use of the reprieve powers in order to assure that guilt is properly located and that the defendant has had adequate procedural protection from the courts. Generally, if the defendant can show good cause why the sentence should not be carried out, the Governor will grant a reprieve until the matter can be investigated. Although a series of reprieves may cause a case to drag on for a number of years, the prevailing philosophy holds that guilt should be established beyond all reasonable doubt, and that individual rights should be protected. The finality of death in a case involving capital punishment frequently causes a Governor to lean over backwards to be sure that the defendant has had every chance to prove his innocence.

There are two types of pardons, the full pardon and the conditional pardon. Full pardon restores the individual to citizenship and frees him completely from further punishment for the crime of which he has been convicted. A conditional pardon, on the other hand, is granted under certain conditions, such as good behavior. The Florida State Pardon Board leans more heavily towards the conditional pardon than the full pardon.

Law Enforcement

The Governor is charged with certain duties pertaining to law enforcement. He plays the principal role in extradition proceedings in Florida for removal of persons charged with crimes in other states, and arranges with governors of other states for the extradition of accused persons to Florida.

The Governor may exercise general supervision over county law enforcement officers to insure that state laws are properly enforced. On a number of occasions, governors have been called upon to suspend county sheriffs for a variety of causes. General provisions regarding suspension of public officers apply, and the suspension is temporary until confirmed or denied by the Senate.

Florida does not have a state police system, and law enforcement lies chiefly in the hands of the city police and the county sheriffs. The jurisdiction of the Florida Highway Patrol is limited mostly to traffic violations on public highways, and even here the Patrol works in close conjunction with city and county law enforcement agencies.

The Governor's Staff

The Governor's staff is separate from the general administrative agencies. Included on the staff are a personal secretary, a secretary to the Pardon Board and the Board of Commissioners of State Institutions, a receptionist, additional

secretaries, a file clerk and a switchboard operator. Ordinarily included also are several executive assistants.

The executive assistants are appointed by the Governor and generally change when he leaves office. Their duties include handling the many details of government and administration that flow daily through the Governor's office. While there is apparently no clear-cut division of work among the executive assistants, one may concentrate on administrative affairs, and another work closely with the Legislature. Executive assistants act in the Governor's name, and their qualifications usually include a thorough knowledge of administration procedures and of politics in Florida.

The duties of an executive assistant are wide and varied. An assistant may appear at a meeting which the Governor is unable to attend, or he may devote his time to the voluminous correspondence requesting favors, registering complaints, or asking the Governor to take action on a certain situation. Not only do such requests come in the form of correspondence, but also by telephone and other means of communication. If the Governor had to consider such matters personally, he would do little else. At intervals determined by the Governor, staff meetings are held for the purpose of clarifying and discussing administrative policy. During the legislative session it is most likely that one or more of the executive assistants will be in constant contact with legislators and with proceedings in both Houses.

The Cabinet

Members of the Florida Cabinet are elected for four-year terms and are eligible to succeed themselves. Qualifications for Cabinet posts are virtually nonexistent and any voting resident of Florida may qualify as a candidate. Salary is \$17,000 per year.

The present Secretary of State has served for many years. The duties of this official are to supervise elections, to charter corporations, to keep copies of statutes and resolutions of the Legislature, to record trade names and trade marks, and to furnish true copies of all official papers. He is custodian of the State Seal and in charge of the Capitol building and grounds.

The Attorney-General is legal advisor to the Governor and to other officers of the executive branch. He serves as Reporter for the Supreme Court; and among other duties he indexes statutes and legislative resolutions, reports Court decisions to the Legislature affecting current law, and conducts continuous statutory revision.

The Comptroller is the state's chief tax administrator. His duties include collection of taxes on estates, gasoline, occupational licenses, and documentary stamps. He is further charged to supervise tax redemption, to publish regulations concerning intangible taxes, and to furnish data to county assessing officers to aid in the assessment process. Perhaps the most important function of the Comptroller is the pre-auditing and examination of public accounts as a check on expenditures.

The Treasurer is responsible for keeping state funds and providing for their disbursement, following an order signed by the Comptroller and countersigned by the Governor. Accurate records of monies received must be kept. Miscellaneous duties of the Treasurer include serving as State Fire Marshall and State Insurance Commissioner. He is also charged with the responsibility of enforcing motor vehicle financial responsibility laws.

The chief duty of the Superintendent of Public Instruction is "to act as secretary and executive officer of the State Board of Education". Other duties include recommending policies to the Board for improvement of schools, apportioning state school funds among the counties, issuing teacher certificates to qualified applicants, and recommending policies for the preservation of the State Permanent School Fund.

The Commissioner of Agriculture has a wide variety of duties. These include operation of a Bureau of Immigration, supervision of the State prison system, supervision of food and drug inspection, and custody of the land records on public lands.

Regular Cabinet meetings are held every Tuesday morning, with the Governor serving as presiding officer. These meetings are open to the public, and it is usually Cabinet policy to recognize visitors. The agenda for Cabinet meetings is prepared in advance and distributed to Cabinet members. The Cabinet usually acts informally, sitting first as the Board of Commissioners of State Institutions and then as one or another ex-officio board. Meetings take up most of the morning and may proceed into the afternoon if there is sufficient business.

Ex-Officio Boards

A great deal of Florida's administration, especially that pertaining to executive policy, is carried on by the device of the ex-officio board. The term "ex-officio" literally means out of official capacity. For example, when the Governor sits as a member of the Pardon Board, he is acting outside his official capacity as the state's chief executive. As a member of the Pardon Board, the Governor, with each of the other members, has one vote.

The number of ex-officio boards in existence will vary from time to time, although the number tends to remain about thirty-five. The Governor will serve on about three-quarters of these boards. A varying number of Cabinet members, generally two, three or four, will complete the board's personnel. Acting jointly, the board is the state's administrative body for carrying out a given function. A few ex-officio boards are created by the Constitution, such as the Pardon Board and the Board of Education, while others are created by statute.

The administrative fragmentation caused by ex-officio boards may weaken the effectiveness of Florida's administration. The Governor and members of the

Cabinet tend to serve in too many different capacities to be fully grounded in all. Furthermore, it is difficult for the average citizen to center responsibility for governmental action. Ex-officio boards may promote indecision when confronted with a problem. Recommendations for administrative reform over the years have advocated the reduction or abolition of ex-officio boards. Superior administration might result if the Cabinet boards did not have to spend time on picayunish detail which could be better handled by other agencies.

Summary and Conclusions

Florida's executive branch is best characterized by the terms "decentralized" and "unintegrated". The Constitution of 1885 places definite limitations on executive power, especially on gubernatorial power. Florida's Governor may have too little legal control over his administration.

Where, then, is the locus of executive authority? Does it lie with the Governor (as the Constitution states), with the Cabinet, or with the Governor and Cabinet jointly? Unfortunately, there is no real answer, for much depends upon the quality of the individuals concerned.

A curious situation exists in relation to actual gubernatorial power and to the popular conception of gubernatorial power. The popular mind ascribes greater power to the Governor than he legally possesses. Why has this concept developed? Perhaps, because he is the state's most widely known leader, or simply because there are inherent dramatic qualities in being governor of a state. Yet, the people do look to him for leadership and for positive executive action, regardless of constitutional and other limitations.

This is not without effect and tends to enhance the Governor's role beyond that of legal limitations. To anyone in public life, broad popular support is a meaningful thing and a force to be reckoned with. A governor who chooses to exploit this popular conception may well transcend the bounds of legal limitations and assume the role of a forceful chief executive. Florida has had "strong" governors, regardless of legal limitations, and will probably have others in the future.

The real question, then, is: should positive administrative and executive leadership be dependent upon such factors as personality, or should a structure be provided which will allow a less dominant personality to adequately perform the task of leadership? If the people choose the governor, holding to an idea that he should be their leader, is it right that the popular will be circumvented by checks which prevent him from assuming that role? Thought should be given to the role of the executive in Florida's government in order to provide direction in the administration of the state's many agencies.

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CHAPTER VII

STATE SERVICES AND ACTIVITIES AN ADMINISTRATIVE SURVEY

State services and activities reach into almost every part of the state and directly affect the everyday lives of Florida's citizens. On any given day "Mr. Average Citizen" will find it virtually impossible to avoid the many services provided for his benefit, or the laws which regulate his daily affairs. Almost from the time he arises in the morning until his retirement later in the evening, Mr. Average Citizen's life is touched by state activity at every turn. True, he may be but vaguely aware of the state's invasion of his private life. In fact, it is more likely that he is hardly aware of the intrusion, yet this does not lessen the fact that the intrusion is omnipresent. If Mr. Average Citizen appears to take the many services for granted, if he does not feel particularly oppressed by the vast body of rules and regulations which govern his everyday activities, these facts stand as mute testimony to the manner in which these services and laws have been ingrained in his life.

Prior to the Civil War, and even for a considerable period thereafter, state services and administration were relatively minor in extent. General adherence was given to the Jeffersonian theory that "that government is best which governs least". A laissez-faire attitude prevailed; government existed to protect property and other rights, and state interference with personal liberty was frowned upon. There was little need for vast governmental machinery, life was predominantly rural, and the complexity of problems facing the modern state simply did not exist. Economic and social inter-dependence were at a minimum, needs and wants were on a more simple scale, land was still plentiful, and a high degree of economic self-sufficiency was possible for almost every man.

The Industrial Revolution was spawned prior to the Civil War, and it was greatly stimulated by that conflict. The economic growth experienced during the first half of the nineteenth century was a prelude to the development in the latter half. Society, too, underwent change, change which was neither always orderly nor easy. From relatively simple agrarian patterns there was a growth of cities in many states, with attendant problems of slums, sanitation, and food supply. Where agrarian independence once flourished, the factories now bred inter-dependence. The factory worker became dependent upon the boss for a job, upon the farmer for food, and upon other industries to provide him with the necessities of life. In many cases the average person was caught in a system which he could neither control nor understand.

Although economic society underwent changes in its basic structure, a cultural lag existed between governmental and economic philosophy. Economically speaking, society had moved into the age of the railroad and the steel mill, but government activity lagged behind. The earlier philosophy of laissez-faire continued to prevail. If portions of society floundered, this was explained by the operation of natural economic laws from which, it was argued, there was no appeal.

Change in governmental policy was inevitable. Living conditions, care of the sick and needy, corruption in government, and the decline of agriculture were problems that could no longer be overlooked. The dike preventing government interference was painfully breached, and from this breach government regulation and services grew both in volume and proportion. If the laissez-faire system could not insure every man an equal chance for development and economic security, then government could.

The citizens of the various states began a search for solutions to the many economic and social problems caused by urbanization and industrialization. To whom was the farmer to turn, when railroad rates shot sky-high at harvest time, to whom was the Chicago consumer to turn, when he discovered that meat purchased in a public market had been previously embalmed with deadly formaldehyde; to whom could the laborer turn for security of life and limb while on the job? And gradually practical considerations dictated that if needed economic reforms could not be brought about from within economic society, necessity required that they be imposed from without.

In this manner state government rules and services grew. There are few citizens today who question the government's right to regulate common carriers, to inspect and provide standards for food and drugs, to protect the laborer with unemployment insurance, workman's compensation, and other programs. However, such programs are solutions to immediate problems, and from a purely logical standpoint, it would be best to prevent the problems from occurring at all. From this thought free public education was instituted to provide equality of opportunity. Public health services and social welfare programs were provided to ease problems of illness, unemployment and insecurity.

By the turn of the century, functions performed by government had grown in number. Since that time the increase has been constant, and although spurts of increased governmental activity have marked period of crisis, the overall trend has been towards the centralization of existing functions and the addition of new functions.

Need for Organization

In order effectively to administer many programs and to enforce regulations it is necessary that government exercise sound organizational procedures. Although not an ironclad guarantee of good government, sound administrative organization does yield a variety of benefits. In a well coordinated organization in which administrative responsibility is clearly defined, programs and services can move smoothly forward with a minimum of delay and with maximum efficiency. Well organized programs provide benefits to the taxpayer, as well as satisfaction to the user. Furthermore, and perhaps more important, sound organizational procedures assist in enabling the voter to locate responsibility for governmental action or lack of action. In general, it might be observed that proper administrative practices cannot guarantee good government, but that such practices may go a long way towards improving what already exists.

A wide variety of systems is available with which to classify large administrative organizations. Perhaps the oldest and most fundamental of all such

systems is the "line" and "staff" classification. In theory, line agencies carry on programs in the field, while staff agencies provide the line agencies with needed tools for the job. Although this method is still widely used it has basic limitations, for careful examination has shown that a number of agencies carry on simultaneously both line and staff functions. Furthermore, differentiation between line and staff functions may be vague (there is quite obviously a "twilight zone" between the two), thereby making the classification system a bit unwieldy. For example, a public health officer at the local level who orders and distributes supplies of polio serum is acting both in a staff and line capacity. In any event, the line and staff classification seems best fitted to apply to divisions or bureaus within a given agency.

Classification by function is another means for grouping administrative agencies. A number of administrative activities involve mostly law enforcement and maintenance of standards. Included in this category would be the multitude of inspection work done by the state, as well as issuance of all forms of licenses and permits.

A number of state activities are concerned with providing services of a wide nature, either to a large group or to all residents of Florida. The State Department of Education, the Public Health Service, and the Employment Service are examples of agencies whose chief aim is to fulfill a service function.

It should be obvious that any given agency may perform both regulatory and service functions. This is usually handled through divisions within the agency. One such example is found in the operation of the Florida Citrus Commission which is empowered to license citrus fruit dealers (a regulatory function) and further to conduct an advertising program to encourage use of citrus products (a service function).

Florida's Administration: An Overview

At best, Florida's administrative pattern must be termed decentralized. It is, furthermore, apparent that an administrative overhaul is needed. Past trends have followed the lines of least resistance, especially regarding integration of function. As new problems arose to confront the state, solutions have taken the form of "agency creation", and this has resulted in a multitude of departments, commissions, bureaus, and other authorities, each designed to solve a particular problem. Authority to deal with some problems was simply vested in an existing agency with apparent disregard of that agency's existing functions. In any event, Florida's administration lacks coordination, and there is considerable overlap of function within it. Thus, there are more than 140 departments, boards, commissions and other authorities created under a maze of statutes and constitutional provisions. A similar situation, existing in England some 150 years ago, caused one English public official to exclaim in exasperation:

"On the most favorable construction of the law at present, I suppose we may say that in all county districts there is one authority for every privy and another for every pig sty.... but I also apprehend with regard to the privy that one authority is expected to prevent its

being a nuisance, and the other to require it to be put to rights if it is a nuisance."

Selected Activities -- Roads and Highways

Public interest in Florida roads is evidenced by the annual disbursement of over \$100,000,000 by the State Road Department. This agency is responsible for the administration of 9,780 miles of primary roads and bridges and 1,930 miles of secondary roads and bridges. It employs almost 4,500 persons, or twelve percent of all the state employees, and it accounts for almost twenty percent of the state's expenditures.

The legislature of 1915 established the first State Road Department as an advisory agency to assist the local road agencies with information. This first Department was given no authority to build or maintain roads, although it was authorized to inspect road construction materials and to advise the local agencies. The administration of the Department was under a Board of five members, appointed by the Governor for four-year staggered terms, one member from each of the congressional districts and one from the state at large. The Road Board was authorized to employ a Road Commissioner and other personnel.

The administration of the State Road Department, since 1937, has been through a Board of five members, each appointed from a separate district by the Governor with the consent of the Senate, to serve for the same term as the Governor. One of the members, usually the Governor's selection, is elected Chairman.

The Road Board employs an Executive Director who relieves the Chairman of administrative duties. The Director serves on a full-time basis and is paid a salary and expenses; the Board members are also paid salaries and expenses. The Board holds quarterly meetings at Tallahassee, and other meetings on call in various parts of the state.

There are two levels of administration within the Road Department. On the upper level are the staff officers responsible to the Director, including the Highway Engineer and assistant engineers for administration and operations. On the lower level are staff engineers and line agencies headed by district engineers, all responsible to the State Highway Engineer. These engineers are specialists in the several phases of road construction, maintenance, and other road activities.

The departmental engineers include specialists in maintenance, secondary roads, traffic and planning, bridges, federal aid, final estimates, plans, surveys, specifications, urban projects, contracts, construction, tests, drainage, and rights-of-way. The Board also selects a General Auditor and an Attorney. Of special interest, the Division of Traffic and Planning keeps an inventory of all roads, cost records, and sufficiency ratings; and it is engaged in continuous research to improve traffic flow safety and public convenience on state roads. To divide the road work, administrative officers operate in each of the five districts from which a Board member is appointed. A District Engineer and a staff of officers, with shops and warehouses, are responsible for all work in the district.

Each district is divided into several maintenance areas for maintenance operations with an area headquarters at which there is an office, shop, and warehouse.

Miscellaneous functions of the Department include the promotion of public safety through the promotion of better roads and bridges and through the elimination of hazards on the highways. The Department further maintains "welcome" stations for motorists entering the state from Georgia and Alabama. The Outdoor Advertising Division is charged with regulation of signs of a dangerous and distracting nature to motorists.

The Road Department, for some years, has undertaken the development of way-side parks where picnic facilities and drinking water are often available to the motoring public. In addition, the Department has developed a program of conservation of natural roadside scenery and the planting of trees, shrubs, and grass.

The costs of improvements needed in the primary road system, 1954-1973, are estimated at almost one billion dollars, with maintenance and administration costs estimated at another \$400 million. The present highway network is adequate in mileage; but the roads need reconstruction, and often need relocation for reasons of safety and facility of movement if they are to bear a heavy volume of vehicular traffic. In the rapidly growing metropolitan and urban areas the need for connecting links in the state system will be difficult to accomplish over existing streets. In the peninsula section of the state, especially along the East Coast and in parts of the central area, there is an inadequacy of arterial roads.

In order partially to alleviate the inadequacy of arterial roads, the 1953 Legislature established a State Turnpike Authority consisting of five members appointed by the Governor. The chief task of the Authority was to provide a statelength turnpike; and, following a number of initial difficulties, the project is now underway. Cost of the turnpike is to be borne by the user through the collection of tolls.

Regulation of Motor Vehicles

Motor vehicle regulation illustrates the disintegration of Florida's administrative organization. Three major functionaries deal with motor vehicles: the State Motor Vehicle Commissioner, the State Treasurer, and the Department of Public Safety. Unfortunately, this list is not complete for, in addition, the State Road Department and the Florida Railroad and Public Utilities Commission share some highway regulatory functions with the Department of Public Safety.

The Motor Vehicle Commissioner is primarily responsible for the registration of all automobiles and for the collection of license taxes and other fees. Furthermore, the Commissioner's office must keep a record of all titles, liens and transfers pertaining to motor vehicles, hardly an inconsiderable task when one realizes that there are almost two million automobiles registered in the state. The Commissioner's staff is appointed by him and is headed by a Chief Clerk. Further organizational breakdowns include some nine departments, each with a department head appointed by the Commissioner, and each responsible for some aspect of the overall program.

The Department of Public Safety is administered by an executive board consisting of the Governor and his Cabinet, the executive head of the Department being designated as the Director. The Department of Public Safety consists of two divisions; one division issues drivers licenses, and the other is the Florida Highway Patrol. Generally speaking, the Florida Highway Patrol acts in conjunction with local law enforcement authorities to promote safety on the highways.

By virtue of the fact that he serves in an ex-officio capacity as the State Insurance Commissioner, and as such administers the financial responsibility law, the Treasurer of Florida also deals with motor vehicle regulation. First passed by the 1947 Legislature, this law provides that the Treasurer shall have power to suspend an individual's driving permit for one year, if the individual becomes involved in an accident and is not protected by insurance. Purchasing insurance by the individual is not made compulsory, since posting cash or securities to a specified sum with the Treasurer may exempt him from the insurance provision. Even this may be avoided if the individual can prove that he has \$40,000 of unencumbered net assets. Exempt from the financial responsibility law are operators of government-owned vehicles.

For purposes of administering the financial responsibility law the Treasurer maintains the Division of Financial Responsibility, headed by a Deputy Commissioner. This division receives reports from investigating police officers and takes appropriate action when there is violation of the financial responsibility law. Recently, limits of coverage required by the law were doubled by the State Legislature, so that now minimum coverage totals \$40,000, or, broken down, \$10,000, \$20,000, \$10,000 according to the three classes of insurance required.

Police Work and Detection

Florida does not have a state police force. The functions of the Highway Patrol are generally limited to cooperation with local authorities, notably the county sheriffs. Furthermore, the latter group has opposed all attempts to create a state police force on the grounds that law enforcement should remain a local function. In states where the sheriffs share police duties with a state force, evidence of jealousy and lack of cooperation are sometimes evident. In fact, many sheriffs prefer to call in the F.B.I. for needed assistance, even when better facilities may be obtained more rapidly from the state police.

Considerable dispersion of authority exists in Florida's law enforcement patterns. At the top, the Attorney-General and the Railroad and Public Utilities Commission share duties in enforcing the "anti-bookie" law which regulates private wire services giving out racing information. A special investigator is employed by the Attorney-General to carry out statutory responsibilities in this area.

Enforcement officers are employed by the State Beverage Department to enforce liquor laws and to assist in stamping out bootlegging and moonshining. Officers of the Beverage Department are given powers of deputy sheriffs and may make arrests for beverage law violations.

Game Wardens are appointed by the Game and Fresh Water Fish Commission and

are given power to enforce hunting and fishing laws, as well as the regulations promulgated by the Commission.

Conservation agents are appointed by the Governor and have the power to make arrests for violation of conservation laws. They are subject to control of the State Conservation Board, an ex-officio Board made up of the Governor and his Cabinet. The agents of the State Conservation Board also have power to enforce laws relating to salt water fish and fishing which includes the taking of sponges and oysters.

The Railroad and Public Utilities Commission hires inspectors who have the powers of deputy sheriffs and primarily enforce regulations pertaining to the operation of automobile transportation companies.

The State Health Officer has powers of inspection and examination and may enforce quarantines. However, sanitation officers found within the Health Department do not have police powers, although they may issue warnings or notices, and may act in conjunction with other law enforcement agencies for purposes of enforcing local ordinances and other regulations.

Certain other officers act in an enforcement capacity, although they do not have police powers. Among these are inspectors of the Department of Agriculture who deal with food and drug inspection. In addition to food and drugs, the Commissioner of Agriculture is responsible for law enforcement by inspecting: (1) milk; (2) citrus fruit; (3) eggs and poultry; (4) gasoline and oil; (5) seeds and fertilizer; and (6) weights and measures.

Prison and Correctional Institutions

The state provides correctional institutions for those who have been convicted of serious violations of the law and have been sentenced to long terms of servitude. The jails maintained by the cities and counties are for the retention of prisoners awaiting court trial and of persons who have been convicted of less serious violations. In general, convicted persons are not committed to a state institution unless they are guilty of a felony and their sentence exceeds six months.

The state's prison system is under the joint supervision of the Board of Commissioners of State Institutions, an ex-officio board consisting of the Governor and his Cabinet, and also the Commissioner of Agriculture. In general, the Board exercises policy-making functions and appoints key personnel, while immediate supervision of the penal system comes under the jurisdiction of the Director of Prisons.

At the heart of Florida's prison system is the state prison of Raiford, in Union County, which serves as the clearing house for all prisoners committed to the state prison system. From Raiford a prisoner may be re-assigned to the Apalachee Correctional Institution (for younger and less-hardened offenders), to Glades Prison Farm at Belle Glade, or to one of the state's road camps. Female offenders are processed and confined at the Correctional Institution at Lowell, and the Industrial School for Girls at Ocala, both in Marion County.

Recent concepts of penal policy have veered away from traditional punishment. In place of the "revenge" motive of punishment, penal theory holds that the inmate should be "corrected" and restored to society as a useful citizen. There is considerable justification for this approach, for evidence is available which shows that prisons in the past have done a great deal to create hardened criminals. By providing a pleasant environment and by segregating the hardened criminal from the first offender, the rehabilitation of many criminals, it is believed, can be accomplished. The aim is not to punish but to teach; and inmates of correctional institutions are to be helped in developing proper social attitudes, as well as in learning economic skills which will help them adapt to the society around them. Unfortunately, lack of funds, coupled with overcrowded prisons, has prevented full development of this concept, though wherever possible this approach is followed.

Florida does have two model prisons. These are the recently constructed Apalachee Institution and the Industrial School for Boys at Marianna. The Apalachee Institution is designed primarily for first offenders up to the age of twenty-five years. Here, security regulations are at a minimum, the prisoners enjoy a clean and pleasant environment, and "prison walls" are noticeably lacking. The inmates are taught useful skills, and the entire program is aimed at rehabilitation.

The Florida Industrial School for Boys proceeds along similar lines. It is probably one of the state's better penal institutions, and there the emphasis appears to be entirely on correction. The buildings are permanent and well-equipped. Although there are exceptions, the boys are mostly between the ages of 12-18. Not only is the prison atmosphere lacking (there are no fences or walls), but the school participates in a wide range of community projects and engages in inter-scholastic activities with other public schools in the area.

As is true in all state supported institutions, separate facilities exist for white and Negro. White facilities are usually superior to those occupied by Negroes, although recent improvements have been made in all facilities. In 1956 Governor Collins called upon the Legislature for funds which would provide extensive modernization of existing facilities and also would provide needed new facilities.

Care of the Sick

Care of the sick is carried on mostly through private channels with county-state-federal support. By and large, counties are responsible for the construction and equipping of hospitals with state and federal assistance. Through the activities of the State Board of Health and its branch county units, a wide program of "preventive" measures is employed. Direct federal assistance is available for mental health clinics and for the care of crippled children.

The state's direct interest is in the fields of mental health, crippled children, and tuberculosis. Two state hospitals are maintained for care of the insane, as well as a training school at Gainesville and a new school at Fort Myers for mentally retarded children.

The hospitals and the schools are under the supervision of the Board of Commissioners for State Institutions which includes the Governor and his Cabinet. The Board appoints a Superintendent for each institution.

The oldest state hospital for the mentally ill is located at Chattahoochee. Approximately 6,000 patients are treated there, and the facilities are badly overcrowded. A new hospital has recently been established in Broward County to provide service to residents of South Florida. Although these facilities have gone a long way in providing proper care for the mentally incompetent, it is believed that even greater steps will have to be taken in the future.

In conjunction with the hospitals for the insane, the state sponsors a number of mental health clinics. Federal grants-in-aid are available for the establishment of clinics, and a considerable number have been established, especially in the peninsula section of the state. The mental health program is administered by the State Board of Health, a Board of five members with overlapping terms appointed by the Governor, and this Board works in cooperation with local county boards. Emphasis is on preventing mental illness before it can gain a foothold, and noteworthy success has been realized in many instances. The chief drawback to wide development of such a program is the lack of the necessary, highly trained staff.

The Crippled Children's Commission is composed of five members who are appointed by the Governor and serve for overlapping terms. The Commission has general supervision over the entire crippled children program. The Commission does not provide actual treatment for children, but it does provide diagnostic services and pays for treatment where necessary.

Tuberculosis control and treatment are carried on by the State Tuberculosis Board which is composed of three members with overlapping terms appointed by the Governor. There are four tuberculosis hospitals administered by the Board in the state. Patients are certified to the tuberculosis hospitals by boards of county commissioners and these pay a sum of money towards expenses if the patient is unable to finance his own care.

Recreation

The state and local governments provide separate types of recreational facilities. Cities operate parks, golf courses, tennis courts, beaches, swimming pools and playgrounds. Some counties provide golf courses, beaches, and picnic areas. The state limits its interest to parks and the preservation of various types of monuments related to state history.

State parks in Florida are administered by the Florida Board of Parks and Historic Memorials. The Board consists of five members appointed by the Governor with the consent of the Senate. Special qualifications include the provision that a Board member must have been a resident of the state for five years prior to time of appointment. The Board selects its own Chairman and appoints a Park Director who serves as the chief administrative officer. Each park has on its staff a Park Superintendent and a Park Warden, plus other persons necessary for the upkeep

and operation of the park.

Florida state parks fall into a number of classifications, primarily according to stage of development. There are ten parks which have a wide variety of facilities available to the general public at a nominal charge. Camping is permitted in a number of parks, and facilities are provided in many of them. Other forms of recreation such as boating, swimming, and hiking, may also be enjoyed in most of the state's developed parks.

Some parks are only partially developed due either to lack of funds or to the desirability of leaving the area in its natural state. Limited facilities are available at these parks, and generally the parks are designed more for a day's visit than for an extended stay.

The third category includes land which is owned by the state and designated by it as park areas, but which remains undeveloped. In order to preserve natural scenic beauty, the state has purchased a good deal of land which may well remain undeveloped. Considerable undeveloped acreage lies along the coast line and includes a number of miles of beach.

Monuments are of a wide variety and range from the Battle of Marianna Memorial (Civil War) to the preservation and maintenance of the Ormond Tomb in Volusia County.

Education

The task of educating the youth of the state falls mostly to the several counties, each of which is responsible for the maintenance and operation of its public schools. However, a large portion of the money used to finance these schools is provided by state taxation. Furthermore, large sums of money have been loaned or granted by the state to the counties for school construction. Teachers and administrators, before they can work in Florida, must possess state certificates which indicate that they have met certain minimum standards of professional training and education. All teachers except those hired by the universities are retained by the county boards of public instruction. The local county board determines in general what shall be taught and provides books and equipment.

The State Board of Education stands at the top of public school organization in Florida. This Board is composed of the Governor and all Cabinet members, except the Commissioner of Agriculture and the Comptroller. The Superintendent of Public Instruction, a cabinet member elected statewide for a four-year term, serves as executive secretary to the Board. The Superintendent is also in charge of the State Department of Education, and he is authorized to appoint all employees of that Department, to define their duties, and to fix their compensation.

Florida's universities do not come under the State Department of Education, but rather under the Board of Control. Members of the Board are appointed for four-year terms by the Governor. There are currently seven members of the Board, one chosen from each of six districts and one chosen from the state at large. Some contradiction of authority exists between the State Department of Education and the Board of Control pertaining to appointments, although the Department appears to follow the lead taken by the Board in most instances.

New additions to the state's educational system are the publicly supported junior colleges. There are currently five such institutions in existence, although plans have been drawn up to expand the junior college system rapidly in the near future. Junior colleges are to be established, each by one or more counties, and to come under the direct supervision of the Superintendent of the county in which the plant is located. As parts of the state public school system junior colleges are subject to further regulation by the State Department of Education. Recently studies have been made of the proposed junior college system and the colleges will remain within the jurisdiction of the County Superintendent and the State Department of Education. Nonetheless, the question of junior colleges is hardly closed, for the institution is relatively new to Florida and final administrative procedures have not as yet been determined.

Regulation of Public Utilities

Certain types of business activities, although owned by private stockholders, are regulated by the state in the public interest. These companies perform special types of service which are necessary, yet not every enterpriser who might desire to enter the field can be allowed to go into these businesses. It has been found desirable and in the public interest to control rates which these companies might charge and to regulate their services. Businesses of this type are referred to as public utilities; railroad and bus companies, gas companies, power and telephone companies are examples. In Florida public utilities are controlled by the Railroad and Public Utilities Commission which is composed of three Commissioners who are elected statewide and who serve four-year terms. The Commission has established departments according to the type of utility regulated, and each department has its own administrative staff headed by a Director who is responsible to the Railroad and Public Utilities Commission.

Licensing

Licensing of individuals and corporations has long been a function of the state and is a form of regulation that is widely used. If a person desires to undertake an activity that is so regulated, he must first obtain a license from the state. In order for him to be eligible for a license, certain requirements may be imposed upon him, such as educational minimums or the passing of a written and (or) oral examination. Licenses may also be revoked by the state, if a holder fails to live up to the standards required for the license, or is guilty of malpractices. To operate without a license constitutes an offense which is punishable for itself alone.

Licensing in Florida has reached fragmentation par excellence. There are approximately forty professions and trades in which licenses are required, including such groups as architects, funeral directors, motion picture operators, pest control operators, physicians, real estate brokers, teachers, barbers, and surveyors. To obtain a license a person must apply to the state (or local) licensing board and show that he has met state regulations and requirements necessary to perform that type of work. The apparent purpose of the regulations is to enforce minimum standards so that the public who patronizes a licensed person will know that he is qualified to serve it properly.

Naturally, there are many groups who desire the protection of state regulations via licensing. The public may be benefited, and the group is also benefited in that the supply of persons in that occupation is limited to those who hold licenses. Generally, to obtain state protection by licensing, the group must have bona fide relations with the public in such a way that public health, safety, or morals could suffer as a result of incompetency. Hence, when the Legislature passed a law requiring that all professional photographers in the state be licensed, the Supreme Court of Florida declared the statute unconstitutional as not in the public interest.

Agriculture

Agriculture is a major source of Florida's wealth. Agricultural administration requires cooperation between the three levels of government and the farmer. Much of the work in the Florida Department of Agriculture is done in cooperation with the federal department, although most of the activity in this regard is in the area of research. The County Agent, or Agricultural Commissioner, is paid partly from local funds and partly from money obtained from the state and federal governments. As a "contact" man, the County Agent is the chief adviser to the farmers of his county and helps them to obtain information and advice regarding every type of agricultural problem. He is the disseminator of the latest scientific information, of improvements in seed and husbandry, and of a great variety of other matters.

Similar to that seen in other administrative activities, agricultural administration is in a state of fragmentation. Most important of the agricultural administrative agencies is the State Department of Agriculture which is headed by the Commissioner of Agriculture. As has been mentioned previously, this officer is elected state-wide and holds cabinet rank. Under the Commissioner of Agriculture are a number of divisions, bureaus, and boards each of which is headed, in most instances, by a single individual. Divisions include the Poultry and Egg Division, the Citrus and Vegetable Inspection Division, the Dairy Division, and the Weights and Measures Division. The Inspection Bureau administers Florida's food and drug laws. Also included under the general purview of the Commissioner of Agriculture are the Field Notes Division which keeps old original land records, the Land Division which regulates the use and disposal of public lands, and the prison division (previously discussed).

A number of semi-independent divisions maintain close contact with the Department of Agriculture. In general, the heads of these divisions are not appointed by the Commissioner of Agriculture, but they are subject to some supervision and budgetary control by him. These divisions include the State Marketing Bureau, the Agricultural Marketing Board which administers the state farmer's markets, the Chemical Division which analyzes tests made by all inspectors, and the Oil Laboratory which tests petroleum products.

Although the Department of Agriculture is responsible for inspecting milk and milk products, further supervision of these products may come from the Florida Milk Commission. This body is composed of the Commissioner of Agriculture, the State Health Officer or a person designated by him, a producer-distributor appointed by the Governor, a producer appointed by the Governor, and three citizens not connected with the milk industry also appointed by the Governor. In general,

this body regulates the milk industry through the fixing of minimum wholesale and retail prices at all levels of exchange.

The Governor appoints nine "livestock" men to serve on the Florida Livestock Board. The general purpose of this organization is to control disease among livestock and to inspect meat before it is sold on the public market.

The State Soil Conservation Board is subject to supervision by the State Board of Conservation. More particularly, the State Soil Conservation Board consists of five members who must be active farmers and are appointed by the Governor. Most of the Board's activities consist of working in conjunction with the Federal Soil Conservation Service. Some service is rendered to individual farmers and contact is kept with district boards.

Summary and Conclusions

As may be gathered from this brief survey of Florida's administrative pattern, the existing structure is not coordinated. Further confusion sometimes results because headquarters for the various services are not always located in Tallahassee. This is especially true in licensing, where headquarters appear to have been haphazardly established around the state and change as the many boards of examiners change. It is evident that Florida's administration is dispersed not only by function, but also by geographical area.

Very little has been said of the direct field services which, after all, are probably more important than central organizations. It is the county officer representing the central office who has day-to-day contacts with the citizens of Florida, and it is through this individual that citizens evaluate the entire program. A poor public health officer may have little effect on the total state program, yet he is the person who makes daily contact with local citizens, and the entire program may well be evaluated on his merit and ability. Fortunately, it would appear that most programs have competent field representatives, although it would be impossible to make broad generalizations along this line. Moreover, the field officer is the contact man and the supplier of information to the central office, and it ought to be on field reports that program or service evaluation is made.

Florida has had made a number of administrative surveys, yet too few of the recommendations made in these surveys have been enacted into law. Of special need is reorganization of the tax collecting function, a matter that will be treated in another chapter. A general lack of clear administrative controls exists and is coupled with wide dispersion of authority. This situation sometimes leads to a "do nothing" attitude, or to administrative irresponsibility. Overlapping of function is another serious problem which causes inter-departmental confusion, jealousy, and subsequently lack of action. Finally, there is no common internal organizational pattern among agencies. What is a bureau in one department may be a commission in another. One agency may have a number of assistant superintendents, while in another agency similar officials are called by a different title. On the other hand, persons carrying the same title may have entirely different levels of responsibility.

As has been observed, Florida has had the benefit of a number of administrative studies with apparently little effect other than educational. Yet a complete up-to-date administrative survey is not currently in existence, the last being made by the Special Joint Committee on Efficiency and Economy of the 1943 Legislature. A Citizen's Committee appointed by Governor Collins in 1955 reported that there was need for action by the Legislature in executive reorganization. In this vein the committee proposed that a study commission, similar to the national Hoover Commission, be set up for the purpose of recommending statutory changes which would help to provide governmental services more efficiently and economically than at present.

Further Reading:

Report of the Governor's Citizen Committee on Executive Department Reorganization, 1956.

Report of the Special Joint Committee on Economy and Efficiency of the 1943 Legislature.

CHAPTER VIII

THE JUDICIAL BRANCH

Courts and the Judicial Process

"The judicial power of the State of Florida is vested in a supreme court, district courts of appeals and such other courts as the legislature may from time to time ordain and establish." (Section 1, Article V, Florida Constitution).

The Judicial System

As can be seen, the judicial system of Florida has been established under the authority of Article V of the Constitution. The trial of civil and criminal cases in the courts of the state proceeds through a large number of local bodies from the courts of the justices of the peace and the municipalities to the Supreme Court.

The Supreme Court

The Supreme Court is presently composed of seven justices, one of whom serves as Chief Justice for two years upon being chosen from amongst the membership. The justices are elected, by the voters of the state, from the state at large for six-year terms, and the terms are staggered so that two or three justices are elected every two years. The appellate jurisdiction of the supreme court extends to all cases at law and in equity from the lower courts of the state. The original jurisdiction of the Supreme Court also extends to the issuance of the writs of prohibition, mandamus, certiorari, quo warranto, and habeas corpus and other writs necessary for the exercise of the purposes of the body.

The Supreme Court may sit in bank, as a group, or the Chief Justice may (in some cases) assign three justices to each of two divisions. The court sessions and offices are in the Supreme Court Building across a plaza from the State Capitol in Tallahassee.

The Supreme Court has its own Clerk and Marshall, appointed by the Court; the function of the Marshall being to execute, himself or through a deputizing of the sheriff or deputy sheriffs of the counties, the processes of the Court.

Florida is one of the several states in which the Governor may, at any time, require the opinion of the Justices of the Supreme Court, as to the interpretation of any portion of this Constitution upon any question affecting his Executive powers and duties, and the Justices shall render such opinion in writing. (Section 13, Article IV, Florida Constitution.)

District Courts of Appeal

The Florida Legislature of 1955 proposed an amendment to the State Constitution which would create three district courts of appeal, with three judges each, to be located in three different geographic areas of the state. The proposed amendment was adopted in 1956, and the Legislature of 1957 passed the necessary enabling legislation to place the new appellate courts in operation in Tallahassee, Lakeland, and Miami.

With the establishment of the three District Courts of Appeals, litigants may now appeal decisions of trial courts directly to the District Courts in their own areas. The new appeal procedure may result in considerable savings in time and expense over the old procedure of appeals to the overloaded Supreme Court in Tallahassee. The Supreme Court will continue to hear appeals, as a matter of right, on criminal cases involving capital punishment, on matters involving an interpretation of the Constitution, and on bond validation proceedings. Under the 1956 amendment the district courts are peripatetic and are required to hold a term of court at least once a year "in each judicial circuit within the district wherein there is ready business to transact."

The jurisdiction of the District Courts of Appeal is defined as appeals from the County Judges' Courts on probate matters or on matters pertaining to minors and incompetents, and from the Circuit Courts on all cases except those which may be appealed directly to the Supreme Court. Appeals from administrative boards are as provided by law. The Courts of Appeal may exercise original jurisdiction in issuing writs of habeas corpus and extraordinary writs.

Circuit Courts

Below the appeals courts are found the circuit courts, the state being divided into sixteen circuits of one or more counties each, with one circuit judge for every 50,000 inhabitants or major fraction thereof. Sessions of the circuit courts are held in spring, fall, and winter terms at the county court house of each of the sixty-seven counties. When there are two or more counties in a circuit, the terms are staggered to allow terms of court in each county.

The circuit courts have exclusive original jurisdiction in all cases in equity (chancery) and in cases at law not cognizable by the inferior courts, which have been established somewhat indiscriminately in the counties of larger population. The original jurisdiction of the circuit courts also includes all criminal cases involving capital punishment and all other criminal cases not cognizable in the inferior courts established in the several counties.

Circuit courts have final appellate jurisdiction in all civil and criminal cases arising in the county court, or before county judge's courts, of all misdemeanors tried in criminal courts of record, and of all cases arising in municipal courts, small claims courts, and courts of justices of the peace. In Florida, a misdemeanor involves imprisonment in a county jail for a year or less; a felony involves a punishment of death or imprisonment of a year or more in a state prison.

The circuit courts and judges have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus, and all other writs proper and necessary to the exercise of their jurisdiction.

Each judicial circuit elects the circuit judges at large (although laws may stipulate the county of residence in the circuit for one or more judges) for six-year terms. Each circuit also elects a state attorney, for a four-year term, who serves as the prosecutor for the court. Assistant state attorneys are appointed by the Governor and confirmed by the State Senate. The executive officer of the state courts is the sheriff of the particular county where the session of the court is held, except in the case of the justice of the peace court in which an elected constable serves as executive officer.

Other Courts at Circuit Court Level

To relieve the burden of litigation in the circuit courts a number of special courts have been created in the counties, through constitutional or statutory enactment, as the need has arisen year by year. Through amendment and re-amendment of the Constitution the Court of Record of Escambia County has been established. This court holds the same jurisdiction as the Circuit Court of Escambia County except that the court of record cannot summon a grand jury or entertain litigation in cases involving capital crimes. The practical effect of these amendments has been to provide another circuit judge for this county.

Civil courts of record have been established in Dade and Duval Counties with jurisdiction of civil cases at law where the matter in controversy is over \$500 but does not exceed \$5,000 in Dade County and \$3,000 in Duval County. These civil courts of record are provided with three judges each. The legislature has created a number of courts of record in many of the larger counties to relieve the workload of the circuit courts. The jurisdiction of criminal courts of record in ten counties covers all cases arising under the criminal laws of the state, except those involving capital punishments. The judges of the criminal courts of record are elected for terms of four years along with a county solicitor or prosecuting attorney and a clerk of this court. In Dade County, a Court of Crimes, with concurrent jurisdiction of the Criminal Court of Record has been created to relieve the burden of litigation in the Criminal Court of Record. The Court of Record in Escambia County and the statutory courts of record for Pasco and Pinellas Counties have criminal jurisdiction similar to that of the criminal courts of record in other counties. A traffic court has been created in Hillsborough County to handle cases of traffic law infractions on roads and highways.

County Judges' Courts and County Courts

A general group of courts, at the county level, is presided over by a county judge who is elected for a four-year term in each of the sixty-seven counties. The jurisdiction of the county judge in the several counties varies with the number of special courts in the individual county. There are, however,

two classes of these county courts. In every county the County Judge holds a County Judge's Court whose most important litigation is the probate of wills and the settlement of estates of decedents and minors. The County Judge also has the power of a committing magistrate and usually serves as coroner in the absence of justices of the peace in the district.

The jurisdiction of a county judge's court extends to civil cases involving not more than \$100, cases involving forcible entry or unlawful detainer, and original jurisdiction in counties where there are no county courts or criminal courts of record over the trial and determination of misdemeanors punishable by fines not exceeding \$500 or six months imprisonment or both. In Dade, Duval, and Escambia Counties other existing courts have relieved the county judge's court of all litigation in civil and criminal cases and the jurisdiction of the County Judge in these counties is largely in the realm of probate, incompetency, and administrative matters.

The administrative functions of the County Judge include the issuance of state licenses for occupations, marriage, hunting and fishing, and motor vehicle operators. The County Judge is a member of the county canvassing board to supervise election returns and is a witness to the inclusion of names in the jury box for those subject to jury service in any courts established in the county.

County courts, under the supervision of the County Judge, have been created in twenty-one counties. The jurisdiction of county courts extends to civil cases involving not more than \$500, to cases involving forcible entry or unlawful detainer, and to misdemeanors in criminal law except in counties where criminal courts of record or similar courts exist. County courts have final appellate jurisdiction in civil cases rising from the courts of the justice of the peace, and may hear, try, and determine other appeals from the courts of the justice of the peace. A prosecuting attorney for the county court is elected for a term of four years. In any county having a population of more than 125,000, the Legislature may provide for the election of one or more additional county judges; thus, Pinellas and Dade counties now have two county judges.

Juvenile Courts and Juvenile and Domestic Relations Courts

Because of the increasing complexity of society and the desirability of handling the tender relations of parents and children in a more kindly court atmosphere, separate tribunals have been created in a number of counties through the years. Separate juvenile and domestic relations courts were established in Broward, Dade, Pinellas, and Polk Counties, and juvenile courts in four other counties. By legislative enactment in 1951 a juvenile court was created in the other fifty-nine counties. The 1951 law applies to the older courts with separate judges and to the newer courts now presided over by the county judge. The juvenile courts have exclusive original jurisdiction of dependent and delinquent children under the age of seventeen years, married or unmarried, who are domiciled, living, or found within the county in which the court is established. The judge of the juvenile court also has the jurisdiction of a committing magistrate.

Judges of juvenile courts employ counselors who serve as clerks of the court and assist in investigations and handling of cases. Procedure in juvenile courts is informal and offers more protection to parents and children than the formal criminal procedure used in other courts. Much of the activity and many of the records of juvenile courts are held in confidence. Case handling in juvenile courts is generally on sociological rather than juridical bases; the correction and rehabilitation of parents and children is sought by using training and treatment where possible rather than punishment.

Small Claims Courts

A Court of Civil Claims was established in Hillsborough County in 1949 and small claims courts in Dade and seven other counties prior to 1951, when the legislature provided for the creation of small claims courts in each county. Small claims courts may be activated by the individual county board of commissioners if the need be deemed sufficient. By 1955 there were courts of this type in sixty-three counties.

Businessmen had sought the creation of these courts as an inexpensive means of collecting small debts. Small claims courts have civil jurisdiction in cases at law in which the demand or value of the property involved does not exceed \$250, this jurisdiction to be concurrent with the jurisdiction of any other courts established in the county. Procedure in these courts is informal and relatively rapid, resulting in savings of time and money by all concerned.

Justice of the Peace Courts

The Constitution, as amended in 1944, provides for the creation of five justice districts with an elected justice of the peace in each to hold office for four years. However, the amendment recognized existing districts (Duval County, 12; Volusia County, 10; Broward County, 9) though provision was made for any or all districts to be abolished by act of the Legislature and referendum by the voters in the county.

These minor courts are given civil jurisdiction of cases involving \$100 or less, and criminal jurisdiction as determined in the state statutes. These jurisdictions are concurrent with those of other courts in the county as applicable. Justices of the peace are empowered to issue process for the arrest of persons charged with felonies and misdemeanors, but such arrested persons are remanded to the proper courts for trial. As there is no other provision for a coroner under Florida law, justices of the peace are authorized to hold inquests of the dead. These courts are not courts of record and all appeals in criminal cases may be tried de novo. Justices of the peace and constables, their executive officers, are elected by the voters of the district wherein the courts are located. With the growth of urban population, in many counties these offices have been abolished. While there are provisions for justice of the peace districts in fifty counties, the justices of only seventeen counties filed financial reports with the State Comptroller in 1956. Interestingly, constables in twenty-two counties filed similar reports with the State Comptroller.

For a period of years the courts of the justice of the peace have been somewhat in decline. In some counties justices of the peace and their constables, operating on a fee system of payment, used the office for their mutual welfare in the operation of the infamous "speed traps". The traffic courts of Hillsborough County, presided over by justices of the peace, have been regularized under state statutes so as to better perform their functions.

Municipal Courts

Municipal courts which deal exclusively with the violation of municipal ordinances exist in all of the inhabited incorporated places of the state. Municipal courts are created through the authority granted in the city charters, and virtually all of the municipalities exist under charters passed as special acts of the Legislature. These courts are regulated by state law as the enactments of the Legislature apply to cities and towns. Appeals from municipal courts are to the circuit court of the circuit in which the city is located.

Recapitulation of the Courts of Florida

By the count of the authors there were found to be seventeen different courts in Florida. Not all of these courts are found in any one county. The Supreme Court, followed by the three District Courts of Appeal and the sixteen circuits cover the entire state. There are seven Supreme Court justices, nine District Courts of Appeal judges, and numerous circuit judges in each circuit, the thirteen judges in the Circuit Court of Dade County making it the largest.

Having concurrent jurisdiction in one way or another with, and at the same level as, the circuit courts are eight criminal courts of record, the Civil Claims Court of Hillsborough County, the Court of Record of Escambia County, civil courts of record in Dade and Duval Counties, the Civil and Criminal Court of Record in Pinellas County, courts of crimes in Broward and Dade Counties, and county courts in twenty-two counties.

There are county judge's courts in each county, juvenile and domestic relations courts in four counties, juvenile courts with separate judges in four counties, and juvenile courts with the County Judge presiding in the remaining counties.

Justices of the peace are authorized in fifty counties and in Hillsborough County they preside over the Traffic Courts. Small claims courts have been created in virtually all the counties, and there is a municipal court in each of the more than three hundred cities and towns in the state.

Administration of Justice

The judicial article of the present Constitution has been described as "organized confusion." The reader may well wonder if "utter confusion" might not be a better description after reviewing the county-by-county court structure and the seventeen kinds of courts which may be authorized in the judicial system.

Judicial Reform

The need for modernization of the Florida court system is of long standing; in 1949 the Florida Bar Association adopted a motion calling for a complete revision of the judicial article of the Constitution. Many lawyers recognized the confused county-by-county court organization and were hesitant to assist in litigation outside a county of their residence before securing further counsel from an attorney of the county in question. Obviously, this practice fostered delay in the search for justice and additional expense, sometimes prohibitive, to the client of the lawyer first retained.

Our state system was adequate when the present Constitution was ratified in 1886; the state's population numbered 338,000, there were but 39 counties (Dade County had a population of 333!), and the annual case load of the Supreme Court was but 83! With a present population of almost 4,000,000 (700,000 in Dade County) in 67 counties, there are almost 7,000 lawyers in the state and the Supreme Court case load has been over 1,200 cases annually. With the passage of the years and the increased growth of the state, additional courts have been created haphazardly, county by county, to meet the immediate need. The Florida court system's expansion is reminiscent of Topsy, in Uncle Tom's Cabin, who, when asked who made her, replied: "I 'spect I growed. Don't think nobody never made me." With the increased growth of the state, mounting evidence has pointed to the further inadequacies of the state's judicial branch. The horsedrawn surney with the fringe on top was a fine vehicle for grandfather in 1887, but it is ill-adapted to the jet-propelled or atomic-powered vehicle of the modern age.

The Judicial Council

In 1953 recognition of the need for judicial reform came with the establishment of a Judicial Council, by the Legislature, to conduct a thorough study of the system, so that sound and orderly changes could be proposed and voted upon by the electorate. The Council, including more laymen than judges and lawyers, was requested to study the court system, compile judicial statistics, engage in judicial research, and recommend improvements. The new agency reported that the administration of justice could be criticized primarily because of the expense and delay in the trial of cases and in the settlement of appeals. The case load of the Florida Supreme Court was found to be more than three times the average number heard by similar courts in the other states. The litigant

appealing his case from the lower courts to the Supreme Court was faced with a time lag of one year between the docketing and the hearing of his case, a situation similar to that which gave rise to Gladstone's statement that "justice delayed is justice denied".

From 1953 to 1955 the study of the Council was concentrated on the establishment of appellate courts to relieve the burden of the Supreme Court and to expedite the course of justice. The Council sponsored the amendment creating the three District Courts of Appeal, although most of the remainder of the amendment reincorporated the existing provisions for the circuit courts and other inferior courts. This was not a re-endorsement of those provisions, but was done in order to keep Article V intact. The Judicial Council is continuing its study of the trial court system and allied matters.

The remaining new material in the revised Article V, ratified at the 1956 election, granted the necessary power to the Supreme Court to regulate the administration of all courts. The designation of the Chief Justice as the chief administrative officer relieved the Governor and other officials of the duty of assignment of judges to overloaded circuits and moved toward an integrated bar and legal profession. The addition to the powers of the Supreme Court covering the admission and discipline of attorneys followed the same line of reasoning.

Other Features

The removal of judges of the Supreme and Circuit Courts may be secured only by impeachment or defeat at the polls. The House of Representatives has the power of impeachment and makes the charges against the judge. The Senate tries cases of impeachment; a conviction requires the "concurrence of two-thirds of the Senate present". All other judges may be suspended by the Governor and removed by the Senate, or they may be defeated for re-election.

There are retirement provisions for all state and county judges. Supreme Court justices may retire after twenty years service at the age of 65 with full pay. Circuit judges may participate in a contributory retirement system, and all other judges may participate in the state and county officers' retirement system. Retired judges of the Supreme Court and the circuit courts may be recalled to the bench, with their consent, for temporary service.

Court Procedure

Civil Procedure:

Civil proceedings stem from disputes between persons over contracts, damages, and other causes for action or redress of grievances. The dispute is between the plaintiff, who brings the suit, and the defendant, against whom the suit is brought. The litigation generally follows these major steps:

1. Actions are commenced by the filing of a complaint, by the plaintiff, which states the facts upon which the claim against the defendant is based.
2. The court issues a summons for the defendant, delivered by the sheriff (or deputy sheriff), and allows him twenty days in which to answer the complaint.
3. The judge determines whether there is sufficient cause for action.
4. The trial is held before judge and jury, or without a jury if the parties waive jury trial. Trial juries for civil actions have six members, except in condemnation suits, where juries have twelve members.
5. The lawyers for plaintiff and defendant open, call witnesses, cross-examine; and close.
6. The judge instructs the jury as to the law. If the case is tried without a jury, the judge takes the case under consideration.
7. Judgment is made by the court. A unanimous vote is required for a jury verdict in a civil case.
8. Appeal may be made to higher court on the basis of errors of law or insufficient evidence.

Criminal Procedure:

Criminal cases involve acts against persons and property, but are tried as acts against the State. The accused person is charged by state's or prosecuting attorneys in the name of the people of Florida. The litigation of the criminal process generally follows these major steps:

1. An arrest is made by an officer, with or without a warrant. On some occasions, particularly in traffic law infractions, a summons to appear before a magistrate is given the accused.
2. The accused is given a preliminary hearing before a magistrate or judge; if the evidence is sufficient or the presumption of guilt great enough, he is either held in jail or released on bond.
3. An indictment is issued by a grand jury or a sworn information is filed by the prosecuting attorney. Each county must empanel at least one grand jury a year. A grand jury consists of fifteen to eighteen members, selected from the list of male electors and such female electors as have been registered for jury duty by the county commissioners. Twelve members of the grand jury must agree before an indictment can be found. An information is a sworn statement presented by the attorney for the government concerned.
4. At arraignment, before trial the accused pleads "guilty", "not guilty", or "nolo contendere". If the accused pleads guilty, he may be sentenced then

and there; if he pleads not guilty, trial is granted. Unless the accused waives trial by jury, a petit jury of six is summoned, except in cases involving capital punishment, when a jury of twelve is summoned.

5. The prosecutor for the state and the attorney for the accused open, examine witnesses, cross-examine witnesses, and close.

6. The judge instructs the jury as to the law.

7. The jury retires to the jury room, deliberates the evidence, reaches a verdict, returns to the court room, and announces the verdict.

8. If the jury returns a verdict of guilty, the judge sentences the convicted person.

9. An appeal may be made to a higher court on the basis of error of law or mishandling of law or evidence.

Further reading;

Judicial Council of Florida: Annual Reports. 1954 to date. Tallahassee.

The Florida Bar Journal. 1926 to date. (Published monthly except August and September.) Tallahassee.

CHAPTER IX

FINANCE and PERSONNEL

As the various levels of Florida government have been called upon to provide an increasing number of functions and services, the problem of finance has become an ever greater one. Rapid population growth has brought about the need for expansion of existing services and for addition of new services. As a result, Florida's budget has skyrocketed in size over the past fifteen years. From a relatively modest \$156 million in 1942, total state and local revenue increased to \$714 million per year by 1955. Yet few government officials would argue that sufficient funds are available to carry out all the functions and programs desired.

Basic to any consideration of Florida's fiscal structure is a review of population and economic trends. As is evidenced from so many sources, Florida is growing by leaps and bounds. In 1930 Florida ranked thirty-first among the states in population, but by 1950 its population had raised it to nineteenth in rank. There is no indication at present that this population boom will subside; in fact, it may well increase in tempo. Current population pressures have already stressed the seams of the fiscal structure, with no indication of respite.

The past ten years have witnessed a broadening of Florida's economy. Earlier economic life centered around the "big two" of citrus and tourism. While these remain the foundation stones today, agricultural industries, such as the production of beef cattle and winter vegetables, have assumed roles of major importance. However, further to broaden the economic base Florida has embarked on an extensive campaign to attract manufacturing industries and has met with considerable success. Although poor in mineral resources, Florida is rich in "climate", and the attractiveness of Florida living has lured many new industries to the state. Other elements, such as an ever-growing labor supply, have also proven attractive to industry.

As a result of interaction between its growing population and its broadened economic base, Florida has become a prosperous state. This prosperity is capable of producing a high quality and quantity of needed government services. While vast improvement has been made along these lines, still higher standards are possible. Considerable regressive effects are felt from present fiscal practices which are not in keeping with generally accepted procedures of sound financial administration.

Any discussion of financial administration must take four basic questions into consideration. These are: (1) how is the burden of cost for government services to be distributed among the people; (2) how is the money to be collected; (3) how is the money to be apportioned among the many and varied functions of government; and (4) what controls are present to assure that the money will be wisely and properly spent. As will be seen at a future point, the answers to the above questions provided by Florida practice leave much to be desired. It is generally agreed that Florida's fiscal structure, like her administrative structure, is in need of reorganization.

TAXATION - Some Basic Considerations

Taxes are levied for two general purposes. In the first instance, a tax may be levied solely for revenue, to provide money for carrying on necessary governmental activities. The Florida sales tax is an excellent example of a revenue-producing tax. In the second instance, a tax may be levied for regulation with revenue as only a secondary consideration. Taxes of this type are used to control certain activities which society feels undesirable, but does not desire to stamp out completely. An example of a tax which is in part regulatory is the excise tax on alcoholic beverages. Raising the price of whiskey indirectly through the addition of a tax will cause fewer persons to purchase whiskey - or so goes the general theory. As sometimes happens, certain taxes are originally conceived for purposes of regulation, but subsequently they become such fine producers of revenue that they are retained long after the need for regulation has passed.

Two decisions must be made in every tax situation; (1) what is to be taxed; and (2) the rate at which it is to be taxed. The decision as to "what" may be expressed in terms of the unit to be taxed, such as a package of cigarettes, or the unit itself may be taken at its value and expressed in terms of dollars and cents. For purposes of taxing real property, the unit to be taxed (a house or lot) is taxed according to its value in money.

Tax rates may remain fixed, regardless of the item taxed, or they may vary with the value of the item. A flat rate of two cents per package may be applied to every package of cigarettes, and then whatever the price of the cigarettes, the rate of taxation will remain constant. In the case of tax on income, such as that levied by the federal government, the tax rate increases in proportion to the amount taxed. Thus a person with a \$10,000 per year income is subject to a higher tax rate (more tax per dollar of income) than is the person with a \$2,000 income. Taxes of this type are called progressive taxes.

Where the tax rate remains unchanged, regardless of the selling price or value of the item taxed, the tax is termed proportional. By and large, Florida's tax structure is based on proportional taxes. The tax rate is fixed by the Legislature or County Commission and remains unchanged regardless of value fluctuations in the base. Thus, an expensive television set is taxed at the same rate (same tax per dollar of cost) as a less expensive set, although the purchaser of the more costly set would pay a larger amount of tax.

Until recently it was almost possible for a Florida citizen to avoid taxation by the state in any form. Of course, it would have meant depriving oneself of many of life's conveniences, but it could have been done. Recent modifications in the sales tax have made this a virtual impossibility.

Taxation in Florida

Florida's tax structure at the state level is almost a product of crisis. The history of taxation in Florida demonstrates clearly that a number of new taxes were added simply because funds in the State Treasury were nearly exhausted. The sales tax is the most recent example of this. The 1949 Legislature had passed

an appropriation measure which exceeded estimated revenue by .56 million, and, as a result, the Legislature was forced to convene later in special session for the purpose of levying new taxes. From this special session the sales tax emerged.

Before the addition of the sales tax it could almost be said that the Florida citizen supported his government by becoming a chain smoker, by drinking and gambling hard, by driving fast, and by dying young. Then Florida's tax structure was based upon excise taxes on cigarettes, liquor, gambling, and gasoline, and on estate taxes. By these items Florida's citizens were able to provide money for the operation of their government. It would also help the government if the citizen died young, since this would bring about a decrease in appropriations for the care of the aged and infirm. Floridians, of course, do pay taxes. However, a large portion of Florida's taxes are paid by the transient tourists who flock to the state. In general, these tourists consume vast amounts of gasoline, cigarettes, and liquor, as well as the items reached by the now virtually omnipresent sales tax.

Gasoline and Motor Vehicles

Florida's first tax on gasoline and motor fuels came in 1921 at which time a rate of one cent a gallon was levied to raise money for improving public roads. The gasoline tax is now seven cents per gallon, and it is one of Florida's chief sources of revenue. In 1957 the gasoline tax yielded over \$99 million. Total state tax revenue for this year (excluding local revenue) was over \$413 million. Money from the gasoline tax is earmarked for the maintenance and construction of state and county roads and bridges.

Another of Florida's major taxes is levied on motor vehicles. This tax applies to all owners of motor vehicles within the state and is paid yearly. Automobile license tags are issued by the County Tax Collector, or directly by the State Motor Vehicle Department, upon payment of the tax. In 1957 the state derived over \$41 million from this source.

As is the case in a number of states, the tax on motor vehicles varies with the type and weight of the automobile. While allocation of funds from this source has varied over the years, motor vehicle license tax funds are now divided between the County Capital Outlay and the Debt Service School Funds in the State Treasury, and a third portion goes into the General Revenue Fund.

The Sales Tax

In the fiscal year 1956-57, for the first time, the state sales and use tax surpassed the gasoline tax as a producer of revenue. This sales tax was first passed by the 1949 Legislature, and in 1957 it yielded over \$440 million in revenue.

The original 1949 measure was a limited tax of three percent on all sales. However, there were a number of exceptions, or non-taxable items. These included food, clothing of a value up to \$10, drugs, and other items. Certain other exemptions were made for automobiles and farm machinery. In 1957 the Legislature passed a general sales tax bill in which clothing and automobiles were

made subject to taxation. Other previously exempt items were also to be taxed, though at a reduced rate. As an index of growth and prosperity in the state, it is of interest to note, revenue received from the sales tax had risen from \$47 million in 1951 to the current \$100 million in 1957.

The Beverage Tax

Taxes are levied upon all alcoholic beverages. The rate of taxation varies with the alcoholic content, a higher rate being applied to beverages of greater alcoholic content. The tax on beverages of more than forty-eight percent alcoholic content is paid by the licensed wholesaler by means of the purchase of tax stamps. The tax on beer and wine is paid each month by the wholesaler on the basis of sales made the previous month as determined by a monthly inventory. Taxes on all alcoholic beverages are passed on to the consumer and are included in the purchase price. License taxes are collected by the County Tax Collector from wholesale and retail dealers and are paid to the State Beverage Department. Receipts from beverage taxes go into the General Revenue Fund.

The Cigarette Tax

The cigarette tax was first enacted into law in 1943 as an emergency measure for a two-year period. At that time the rate was three cents per standard size package. At the end of the two-year period the tax was made a permanent part of the state's revenue system, and the rate was raised to four cents per package. In 1949 the rate was raised to five cents a package; and, as part of a compromise on the sales tax measure then under consideration by the Legislature, most of the receipts from the tax were earmarked for Florida municipalities.

The rate of taxation varies with the size of the cigarette. If the cigarette is less than $3\frac{1}{2}$ inches long (which includes regular and king-sized cigarettes), the rate of taxation is five cents per package. If the cigarettes are between $3\frac{1}{2}$ and 6 inches long, the rate of ten cents per package is applied; and if the cigarette is longer than 6 inches, the rate is twenty cents per package. The tax is collected from wholesalers through the sale of stamps. Cigarettes produced over \$24 million in 1957. In 1951 cigarettes produced only \$16,500,000.

Racing Taxes

In Florida racing is closely regulated through taxation. A state tax is levied on the pari-mutuel pool and on racetrack admissions, and track operators are required to hold licenses. Racing taxes in 1957 produced over \$25 million in revenue for the state.

Of the revenue collected from pari-mutuel taxes, a part is deposited in the General Revenue Fund, and a part is distributed to the counties. The taxes are collected by the track operator and forwarded to the State Racing

Commission. The license fee is collected directly by representatives of the Commission. Jai alai is also subject to taxation in much the same manner as are the race tracks. The state's first racing tax was enacted in 1931.

Summary of Taxation

The foregoing are the "big six" of Florida's tax structure, and they produce well over 80 percent of the state's total revenue. However, these six do not exhaust the state's tax list, for in 1956 licenses and fees made up \$26 million of revenue. As these are derived from a wide variety of sources, no attempt will be made here at a detailed breakdown of them. Approximately \$10 million are received from a tax on intangible property, and special taxes (including the documentary stamp tax and the estate and inheritance tax) contribute another \$10 million.

Florida's tax system is based upon the "use" theory, and it is on this basis that taxes are apportioned among the population. In brief, if an individual desires to use a service, the burden of taxation of that service falls chiefly upon him. Thus a person who does not own a car does not pay taxes on gasoline or the automobile license fee. A person who does not smoke, gamble, drive an automobile or consume alcoholic beverages will virtually escape direct state taxation other than the sales tax.

Taxes on alcoholic beverages, cigarettes, gasoline, and racing are termed "hidden taxes". They are hidden in the sense that they are ultimately paid by the consumer and are "hidden" in the purchase price of the article. When purchasing a package of cigarettes the consumer automatically pays the price asked without asking how much of the total purchase price is tax. Specific exceptions are the sales tax and the motor vehicle registration tax. Regarding the former, a flat three percent of the purchase price of the goods determines the amount of the tax, except in sales of less than a dollar. In the latter case, the tax is paid directly to the County Tax Collector, or to the state Motor Vehicle Commissioner, and the amount varies according to the weight and class of the automobile.

Collection of State Taxes

Collection of taxes levied in Florida is carried on by a multitude of agencies and follows no logical administrative pattern. In the past, when the Legislature has imposed new taxes, it has placed the responsibility for their collection in some existing agency. As a result, there are forty-seven different agencies currently collecting state revenue in the form of taxes, licenses or fees. However, only four of these agencies (the Comptroller, the Motor Vehicle Commission, the Beverage Commission and the Racing Commission) are responsible for collecting over ninety percent of the state's revenue.

From time to time proposals have been made to establish a central tax collecting agency. The plan appears to have considerable merit, although little action has been taken to implement it. Consolidation of the tax collecting function under one agency would simplify matters for the taxpayer and

would cut down on administrative expenses. Since, under the existing structure, a number of tax collecting agencies maintain separate offices within the same city, consolidation of collection would result in savings to the taxpayers.

Under present practice, the State Comptroller collects the sales tax, the gasoline tax, the utilities tax, the estate and inheritance tax and such others as occupational licenses. The Comptroller's staff is divided along division lines, each division collecting one of the major taxes. Branch offices are maintained throughout the state and used mostly for sales tax administration, enforcement of gasoline dealer's license provisions, and collection of the retail stores license tax.

Similar administrative patterns are followed by the Beverage Department in its administration of taxes on alcoholic beverages. The Beverage Department is also responsible for collecting the cigarette tax. As the work of the Beverage Department in the field of taxation is mostly with the wholesaler, fewer field offices are required.

All racing taxes, licenses, and registration fees are collected by the Racing Commission. Local collections are made directly at the track. For this purpose the Commission maintains a number of inspectors and auditors at the track to take care of the state's interests. Taxes are paid weekly during the racing season, and at the same time the track operator files a financial statement which is checked by the Chief Auditor and compared with the reports of the auditors stationed at the tracks.

License taxes on motor vehicles are collected by county tax collectors under the supervision of an agency of the state Motor Vehicle Commissioner. Some licenses, such as those used by dealers, are issued directly by the agency. Branch offices are maintained throughout the state for purposes of collecting the tax and of administering the motor vehicle laws.

Apportionment of State Monies

It is a common misconception that all public money spent in Florida must be periodically appropriated by the State Legislature. In actuality, approximately forty-six percent of Florida's expenditures are made from earmarked funds and are not subject to periodic legislative control. The gasoline tax, for example, is earmarked to the State Road Department, Boards of County Commissioners, and the State Board of Administration. Revenue derived from this tax source may be spent only by the three aforementioned agencies on highways, roads, and bridges throughout the state.

Generally held ideas of sound fiscal practice condemn the practice of earmarking funds in this manner. Besides placing many agencies outside of normal budgetary controls, the system frequently leads to an unbalanced budget with the subsequent addition of new taxes. It is quite possible that one agency will have more money than it needs, that revenue derived from an earmarked source will produce a surplus of funds for that particular agency, when other agencies are forced to curtail activities due to lack of funds or forced to ask for new taxes. Earmarked funds cannot be transferred from the agency to which

they are earmarked. Hence, the student of government may be bewildered when the Budget Commission reports an insufficiency of state income and declares that more taxes must be levied, when some of the special funds actually have large surpluses.

Many funds are earmarked by provisions of the State Constitution, and this fact makes change difficult. The rationale for this practice usually stems from a desire to "remove a given function from politics". As a result, an agency may be guaranteed revenue by the Constitution almost in perpetuity and so be freed from control by the Legislature. Yet once such a tax is frozen in this way by the Constitution, it is difficult to change; and the agency could continue to receive state tax funds long after its once-needed function no longer existed. Earmarking revenue almost assumes omnipotence and seems to be predicated on the ability to foresee all possible problems and changes in a complex society. Since it is highly questionable that any one man, or group of men, possesses this ability, the practice of writing state revenue and expenditure patterns in the State Constitution is open to question. In this vein the Governor's Citizen Committee on Fiscal Practices reported in 1955 that:

"The programs of all departments, institutions, and agencies of the state should be considered in making final allocation of funds. There should be no 'sacred cows' in state government. No arm of the state should be free from the over-all power and authority of the state to plan, prepare, and administer its budgets within its needs and its financial competency. The programs of such state agencies as the Road Department, the Game and Fresh Water Fish Commission, and the Department of Agriculture should be made fully subject to the budget-making authority."

Florida currently has five funds in which all state revenues are deposited. These are: (1) the General Revenue Fund; (2) the Agencies Fund; (3) the General Inspection Fund; (4) the Road Fund; and (5) the Trust Fund. Considerable bookkeeping problems arise from the use of five funds, and these problems are further complicated by the practice of earmarking. Most earmarked funds are now deposited in the General Revenue Fund. Taxes which go to the General Revenue Fund and are subject to budget supervision and control are the sales tax, the estate and inheritance tax, the utility tax, the beverage tax, and other lesser ones.

Budgeting

Budgeting is the method for apportioning revenue among the various functions of government. As a working plan for sound and coordinated development of governmental services, the budget is indispensable. With advance revenue estimates, a budget agency should be able to develop plans for the future scope of governmental activity.

Florida does not utilize the "executive budget" as it is practiced in some states and by the federal government. Final decision in budget preparation rests with the Budget Commission, an ex-officio board consisting of the Governor and his Cabinet. The Governor serves as Chairman of the Commission, but he

has only one vote. The Commission maintains a staff headed by a Budget Director, an officer who is appointed by the Governor. In practice, the Commission exercises but little control over agencies supported by earmarked funds.

Procedure dictates that the Budget Director make a study of the needs of each agency according to the number and type of functions performed by that agency. Data for this study is prepared by each agency and submitted to the Director, along with itemized financial statements showing agency activity. This material is then prepared for examination by the Budget Commission. To supplement the activities of the Director, the State Comptroller is required to furnish financial data on the operation of state activities for the past fiscal year, the balance of appropriations standing to the credit of each agency, a statement of monthly expenditures and revenues from all appropriation accounts, and such other data as the Commission may request.

The Commission holds public hearings on budget requests and the heads of agencies (or representatives designated by the head) attend these sessions. It has recently become practice for members of the House and Senate appropriations committees to attend these hearings, a procedure which helps budgetary consideration by the Legislature. Following hearings by the Commission, the proposed budget is printed and mailed to each member of the Legislature. Mailing must take place on or before March 1st, well over a month before the Legislature convenes. Explanatory data is usually added, to the printed budget, for benefit of clarification.

A number of weaknesses are inherent in the commission type budget. First among these is the fact that Cabinet members, who are also department heads, collectively review their own departmental budget requests. In operation the system has led to an unwillingness by Cabinet officers to question some requests and much of the value of the review process has been lost. Secondly, Cabinet officers are primarily agency heads and cannot devote the full amount of time necessary to the sound preparation and review of a budget. Because of this situation, additional benefits normally accruing from budgetary review are also lost. It is generally felt that budget making should be a full time operation. Although there have been numerous proposals to create a budget agency under the Governor, no action has been taken along these lines.

Controls

Before money can actually be released from the Treasury for expenditure, the Comptroller must pre-audit each account. Essentially, the purpose of the pre-audit is to make certain that departmental expenditures are in accordance with the budget as passed by the Legislature, and that the proposed expenditure does not exceed the amount appropriated for that purpose.

A second auditing comes after the money has been spent and is designed to provide a check upon state agencies to see that all financial transactions are in accordance with law, and that all monies are accounted for. This function is performed by the State Auditing Department, a semi-independent agency attached to the executive branch.

Although the control system is basically sound, a number of improvements have been recommended in the post-audit. Some people have felt that a greater degree of control would be possible if closer liaison were maintained with the legislative branch. Additional recommendations include lengthening the Auditor's term of office and his authority to prescribe standard accounting systems for all state agencies and county offices. At the present time there is a considerable variation in the methods by which accounts are kept.

County Finance

The major sources of county governmental income are taxes on property and grants from the state and federal governments. As previously mentioned, a portion of the gasoline tax is distributed among the counties for maintenance and repair of county roads and bridges, for the retirement of county road bonds, and over \$100 million are provided for schools. Other taxes that are distributed among the counties are racing taxes and the intangible tax. Federal aid is concentrated chiefly upon social welfare activities though federal money is also allocated to highways, health, and forest protection.

Property taxes are the chief source of county revenue. All property is theoretically assessed at market value, and the rate of taxation is set by the Board of County Commissioners. However, great disparity in assessment practices exists among the counties of the state and sometimes even within a single county. There is an equally great variation in the tax rate levied by the Boards of County Commissioners. As each county elects its own tax assessor there is little supervision at the state level.

Bonded Indebtedness

A county may borrow money by selling bonds that are to be repaid over a period of years from the annual tax revenues of the county. A proposal to issue bonds is initiated by the Board of County Commissioners and then must be approved at a freeholders' (property holders') election. In order for the proposed bond issue to pass, a majority of the registered freeholders within the county must participate in the election.

Bonds are usually voted for items classed as capital outlay, such as schools, a court house, a new county hospital, or local roads. Generally, bonds are sold to create permanent structures or to make large scale additions or renovations to existing structures. In this manner, counties are able to extend their resources over a period of years by meeting present needs with anticipated tax collections over the years.

Municipal Finance

Municipalities in Florida can obtain revenue from a wider range of sources than counties. The property tax is the most important single source, although

substantial income may be received from the operation of public utilities such as gas, water, and electricity. Other revenue is obtained from the issuance of occupational licenses and from inspection fees. State assistance to municipalities comes from the cigarette tax. The tax gained from cigarettes sold within municipal limits is returned to the city. Besides these sources, cities may levy functional charges for services performed, such as the establishment of a hospital, the collection of garbage and sewage disposal, and the maintenance of a municipal airport.

Municipal Debt

Of Florida's public debt, the part contracted by the state's municipalities is the largest. At present the total debt of Florida's municipalities is over \$490 million, and municipal debt is increasing each year: between 1950 and 1955 municipal debt increased from \$320 million to \$489 million. The greatest portion of municipal debt in Florida is owed by the larger cities: over \$367 million of the total municipal debt are concentrated in eighteen cities of over 25,000 population. The debt problem of municipalities under 2,500 population is of relative insignificance by comparison. Over forty percent of municipal debt is encompassed in utility debt. In terms of dollars and cents, total utility debt is \$212 million. For the most part, this debt is paid from utility receipts, rather than from additional taxes on real property.

Tax Exemptions and Prohibitions

The Florida Constitution contains a wide variety of provisions concerning tax exemptions and specifically prohibits certain types of taxation. For example, the state is prohibited from levying ad valorem taxes on real property. Likewise prohibited to the state by the Constitution is the income tax. Furthermore, the state has no power to issue bonds other than for purposes of repelling invasion or suppressing insurrection. Section 13 of Article 9 of the Florida Constitution specifies that motor vehicles be subject only to a single property tax (the license tag).

Although the provision is no longer in force, the Constitution once provided that between the years 1929 and 1948 industrial plants of certain specific types were to be exempt from all taxation. This prerogative was also extended between the years 1933-1943 to motion picture companies (Article IX, Section 14) locating in the state. Property used for municipal, education, literary, scientific, religious, or charitable purposes is exempt from taxes.

The homestead exemption provision of the Florida Constitution affects more taxpayers directly than any other form of tax exemption. Under this Article an exemption from taxation amounting to \$5,000 of assessed value is granted to each property owner, provided that he lives on the property. Limitations extend to 100 acres of land in rural areas and one-half an acre within the limits of an incorporated city or town. If the property is assessed for more than \$5,000, the owner pays tax only on the amount above the \$5,000 figure. If the assessment is below \$5,000, the owner is exempt from taxes on his property.

As will be recalled, all taxes on real property are levied at the local level. The County Tax Assessor is responsible for determining the value of the property. When he has determined the value, it is up to the Board of County Commissioners to set the rate (in mills) at which the property will be taxed. The rate is then multiplied by the assessed value of a piece of property (that part over \$5,000 if the property comes under homestead exemption provisions) to determine the amount of annual tax that must be paid by the owner.

There is a wide variation of assessment procedures used in the counties. There is a tendency on the part of the elected Tax Assessor to underestimate the market value of property. There have been instances of a residence selling for \$15,000 with an assessed value not exceeding \$5,000. Furthermore, in the event that a property owner is dissatisfied with the assessment levied by the Tax Assessor, he may appeal to the Board of County Commissioners for tax reduction. By these methods, some persons in Florida may escape real property taxes, thereby producing an inequitable distribution of the tax burden. While it is of real benefit to the individual taxpayer, the homestead tax exemption provision of the Constitution has created numerous problems in apportioning costs of local government among persons living in the area. The failure of some counties to place their financial house in order has had statewide effects. Lack of revenue in some areas has directly affected the quality of the local government service and has necessitated state assistance. In education, for example, because of the lack of local support and of needed facilities, Florida once ranked forty-seventh among the states. State assistance through the Minimum Foundation Plan has since raised Florida's rank, yet to finance this plan the state was forced to pass the sales tax. In this manner, the state's citizens may suffer the consequences of the unrealistic approach to ad valorem taxes on real property found in some counties.

Certain recommendations which might alleviate the inequities of this situation have met with bitter opposition. Little progress has been made. Even such relatively innocuous proposals as a state advisory and research agency to study assessment practices has failed to gain support. Nonetheless, if the counties and municipalities truly desire a real home rule status, they must first prove that they are willing to pay for the privilege. The apparent lack of desire to revise assessments and tax rates indicates that many counties and cities are not ready for this status.

Personnel

Personnel administration in Florida is currently undergoing transition. Prior to 1955 some progress had been made in adopting a civil service, or merit, system. Of the 25,000 state employees, only 3,000 enjoyed any real measure of systematic personnel administration under the State Merit System Council. Employees in the Florida Forestry Service, the Highway Patrol, and the Parole Commission, were under systematic personnel practices for recruiting and retaining civil servants. Conditional grants-in-aid by the federal government necessitated the expansion of the merit systems after 1935 to agencies affected by these grants; only agencies connected with health and welfare were so affected. As late as 1955 over eighty percent of the state's employees were

working under varying personnel practices. There was no central agency for recruitment, examination, certification, or selection; and such basic personnel procedures as standard job descriptions were lacking. In 1943, the Special Joint Economy and Efficiency Committee of the Legislature found that the state hired over 125 kinds of clerks and ten varieties of truck drivers.

A large number of state jobs were "political plums" reserved to the faithful. As a result, in a number of vital areas, there was considerable turnover in personnel after each election. However, considerable advances were made by the 1955 Legislature which enacted a "permissive" civil service bill. The new legislation expanded the existing merit system which covered agencies receiving federal funds. A State Personnel Board was created to be composed of the members of the Cabinet. A Merit System Council was also created under the Personnel Board to administer the program.

The new law provides that the Governor may place agencies within his jurisdiction under the Merit System, by executive order. Governor LeRoy Collins used this provision, and a number of agencies are now under a merit system. Other agencies may be brought under the Merit System with the consent of their executive authority and approval of the State Personnel Board. Also, any agency may be placed under the Merit System by act of the Legislature.

Further Reading:

Reports of the Governor's Citizens' Committees, 1955.

Angus Laird and William Larsen, The Merit System in State Employment in Florida, Civic Information Series No. 9 (University of Florida, 1951)

Wyllie Kilpatrick, Financing State and Local Governments in Florida, Florida Citizens Tax Council, Tallahassee, 1957.

Wyllie Kilpatrick, Debt Problems of Florida Municipalities. Civic Information Series No. 14 (University of Florida, 1953).

CHAPTER X

County Government

The statement most often quoted with reference to the more than 3,000 counties in the United States is taken from the title of a book published in 1917: The County: The "Dark Continent" of American Politics. The usual county government, from the three counties in Delaware to the 254 counties in Texas, is a direct descendent and remarkable duplicate of the English system of counties established by the year 1200. The first county officers were the King's officers: the reeve of the shire (sheriff), charged with the local administration of justice and the collection of taxes, and the coroner, who was charged with the royal office of watching the sheriff. By 1400, the English Crown had created the office of the justice of the peace. When the heritage of English government took root in America, these three appointive officers served as the King's agents in the county for the governors in the colonies.

The continuance of the English system of county, or rural, government in the independent states was gradually tempered by the rise of elections for office holding. By the close of the Age of Andrew Jackson not only were there free elections of local officeholders, but state constitutions also provided that any man who could vote was eligible to hold county office through election by his fellow citizens.

The simple government of the 19th century was composed of a board of commissioners or supervisors, circuit judge, county judge, clerk of the court, coroner, the sheriff at the county seat, and justices of the peace and constables in the rural areas. Aside from serving as an agent of the state, the county was an organization created for the maintenance of law and order, the conservator of the peace.

The necessity and desirability of the county level of government was shown by its usage in the territorial period of Florida, and its continuance was recognized in the Constitution of 1838. As agents of the states, the counties provided units or subdivisions to perform functions and purvey services on a local basis. The Constitution stipulated a uniform pattern of county government and specified the same set of officers for each county, a system that was continued in the succeeding Constitutions of 1861, 1865, 1868, and 1885. Under these Constitutions the Legislature has been empowered to create, alter, and abolish counties, but the framework of county government has been crystallized and there has been even less autonomy at the county level than at the city level of government.

Modern County Problems

County organization has become amazingly complex: the county officers established by the King of England to serve as his agents have grown in number

and accumulated duties. With the increasing complexity of modern economic and social life and the demands for services by the citizens, county officialdom has multiplied until the average voter cannot recall the titles of the office-holders in the county court house to say nothing of knowing the actual names of the duly-elected public servants at this level of government.

Whereas the executive work of the state government is centered in a governor and administrative officers, and the direction of work of a city government is centered in the office of mayor or manager, the executive-administrative work of the county government is usually divided between a board of county commissioners and a large number of separately elected officials. Further, the elected county officer must perforce serve two masters. Counties are subdivisions of the state created by act of the legislature for the service and convenience of the residents in the local areas. But county officers are generally elected by county voters. While the legal responsibility of these officers is to the state government, the elective responsibility is to the local voters.

Again, the selection of county officials through the ballot box would seem to guarantee large measures of democracy at the local level in that the voter selects the official, judges his performance in office, and rewards the official with re-election or refuses him the office at the end of the term for a poor record. Unfortunately, theory and practice have oftentimes been divorced. There is an ever-increasing number of offices to be filled and the voters are faced with an ever-increasing number of candidates, their abilities, and their records to be observed.

The voters are faced with a dilemma of selecting from the field of candidates the apparent best choice for the county office for which the usual requirement is merely "qualified elector", even where the demands of the office require qualifications sufficient to direct the intricate operations of present-day public administration. One observer has commented that "the larger the number of candidates, the less people will take the time and the trouble to examine each candidate's qualifications thoroughly. Moreover, independently elected officials have a way of acting independently, so that there is little coordination among the various county offices. If there is a failure in performing some function in which several county officials have taken part, it is difficult, if not impossible, to fix the blame among those officers for the failure."

County Government in General

County government in the United States follows a pattern of sorts, but the details vary from state to state. The governing body is generally a board of commissioners or judges or similar officers. Membership in this body varies from one to seven. Four-fifths of all commissioners are elected individually by the voters of their district of residence. Florida commissioners are elected from districts, but by the voters of the county at large.

County government is also cluttered with a multiplicity of special or ad hoc boards and commissions. The average American county possesses eleven boards with diverse functions including supervision of agriculture, airports, assessment, drainage, elections, finance, health, highways, hospitals, irrigation, libraries, welfare and correctional institutions, personnel, planning, recreation, and schools. The multiplicity of these special boards is matched by the methods by which their members are selected. Methods of appointment run from selection by the Governor and confirmation by the Senate to appointment by the local courts. Membership on many boards is on the basis of election. In most cases the county commissioners have little control over the special boards although they often must vote or raise funds to operate the boards.

State - County Relations

Until the very recent past counties have served mainly as the functional aides of the state. In many of the counties of sparse population in Florida this still remains true. County activities encompass state-related functions under the judicial branch, property recording, assessment and collection of taxes, law enforcement, and conduct of elections. In the counties generally, but especially in the more populous counties, many new service-type functions have been undertaken: education, welfare, agricultural development, water conservation, garbage disposal, and parks and recreation. From these expanded services counties have perforce added offices and agencies as local units of government beyond their traditional position as aides of the state. In Florida, as these new services have been added their execution has been placed in the hands of the separately elected officials provided for county government in the state constitution or statutes.

The frame work of Florida county government is based on Section 24 of Article III of the Constitution, which states that: "The Legislature shall establish an uniform system of county and municipal government, which shall be applicable, except in cases where local or special laws for counties are provided by the Legislature that may be inconsistent therewith." This framework is further crystallized in Article VIII which, in Sections 5 and 6, stipulates that there shall be a board of five commissioners and eight other officers in every county. Hence, any variances from this pattern of county government must be by constitutional amendment. Thus, of the twenty-two sections of Article VIII (Counties and Cities), seventeen sections have been added by amendment since 1914, and fourteen of these have been added since 1942!

The implementation of county government by the legislature has been through the media of general and special laws. General laws setting forth the powers and duties of county commissioners, for example, were originally passed in 1872 and have been slightly amended only twice, in 1877 and 1915. Further, hundreds of special and population acts have accumulated since 1919 and have created a situation so confusing no one person knows what the law is in another county or what the law is as the law applies to his own county. Revision and consolidation of county general laws would involve ten or twelve chapters of Florida statutes.

The urban growth of many sections of the state has given county commissioners problems similar to city commissions, but many times the county boards cannot take action until a special act is passed by the legislature. The 1955 Legislature passed 1,357 local and special acts compared to 359 general acts. Fully eighty percent of all legislation enacted in that year was embodied in special and local acts relating only to local government.

Characteristics of Florida Counties

There are 9 counties in Florida of widely varying sizes and populations which together comprise the principal legal and administrative subdivisions of the state. While city governments have been modernizing to meet the demands made upon them, county governments are still essentially operating under plans shaped in 1845, which have been changed only by minor additions.

Florida's counties vary in land area from 240 square miles (Union) to 2,054 square miles (Dade). Under the 1950 census the counties varied in population from 2,119 (Glades) to 495,084 (Dade). By 1958, the population of Dade County will be near 1,000,000, yet several counties have remained stationary or lost population since 1940. In 1950, there were twenty-one counties with a population of less than 10,000 and eight counties of more than 100,000. By 1960, probably more than fifty percent of the state's population will reside in the five largest counties. In some counties, like Dade, almost the entire settled area of the county is urbanized. However, there is one county without a single incorporated village or town.

By way of further contrast, the assessed valuation of property in Union County in 1956 was \$1,677,000, whereas the valuation of property in Dade County in the same year was \$2,360,000,000! In the same period tax collections from property in 1956 amounted to \$46,000 in Union County and \$48,133,000 in Dade County. From property taxes, Florida counties collected and spent \$184,000,000 in 1956. With all their peculiarities, counties in Florida remained important units of local government.

County Services

Services provided by Florida counties may be placed into four major categories. First, there are a number of services that are provided on a county-wide basis: education, welfare, recording of documents, vital statistics, election administration, and others. These are under exclusive county jurisdiction in most counties and are for residents of all urban and rural areas. Second, numerous services, such as police and fire protection, are furnished in some counties to those residents in semi-urban, but unincorporated, areas. These services are provided by the municipalities for the residents of the cities. Third, certain services, such as tax assessing and collection, health, and recreation, are furnished for all county residents, but in some counties are also provided for city residents in the municipal government contracts for the service with the county. The fourth category would include services needed

for rural areas only, such as agricultural agencies and forest fire control.

The growth of counties and the increase in the cost of county government services can be best illustrated in a comparison of the total expenditures in Florida in 1947 and 1957. In 1947, the total expenditures were \$35,990,000, and the per capita expenditure was \$15.93. In 1957, the expenditures were \$124,500,000 total, and \$44.91 per capita. Note should be made that these figures do not include distributions to county schools from the Minimum Foundation Program funds, which for 1955-56 school year amounted to \$96,012,621.

Public Schools

The counties of Florida are virtually exclusive in the provision of schools for the young people of Florida. From one-half to three-fourths of the expenditures of each county are for schools. Until the adoption of the state-county program for public education embodied in the Minimum Foundation Program of 1947, there were over 500 special school districts which shared in school operation. Under the 1947 Act all of the school districts within each county were combined so that the one school district left in each county was coextensive with the county. In 1956, an amendment added to the Constitution authorized the abolishment of the remaining district, on a favorable vote of the electorate, and the transfer of the few duties to the county school board. At an election in May, 1957, the Dade County school district was abolished by the voters in that county.

Public schools are under the jurisdiction of a county school board of five members, each resident in a separate area but elected by the voters of the county at large. The administrator of the schools and secretary to the board is the elected county superintendent. Under a 1957 amendment to the Constitution, the voters of four counties were authorized to make this office appointive, to be filled by the county school board. In May, 1957, the voters of Dade County decided to make the office appointive in that county.

While the financing of public schools has become more and more of a state matter, county school boards and school district boards may each require a ten-mill property tax for school purposes. Where the district is abolished, the county board may require twenty mills. The district levy is subject to popular vote. The school district freeholders may also vote bonds for school construction purposes up to twenty-five percent of the assessed value of property in the district.

Public education has become a state function since the first state aid to schools was begun in 1925. Although the immediate responsibility for school operation has remained in the county-districts, the state through its Department of Education has more and more limited the authority of the local officials. State activities in public education include appropriations for instructional salaries, bus transportation, free textbooks from state approved book lists, assistance for capital or building construction, and other expenses. (Federal assistance in Florida School Lunch Programs in 1955-56 amounted to \$1,414,328, and in School Milk Program, \$629,201.) Other state activities include the

regulation of professional educational credentials and certificates, approval of school courses of study, approval of new school buildings, and adoption of laws, rules, and regulations for the government and operation of public schools. Increasing state aid and control of public education is the best example of the trend toward centralization of government in the state capitol and the state administrative offices. Increasing state aid and control are reflected in decreasing local aid and control, the price paid in the transfer of "the burden" from the district and the county to the state.

General Government

Perhaps the second most important service of the county falls into the category of general governmental operations. Without the general government services other county services would be handled less effectively or not at all. The county commissioners are the legislative and quasi-executive directors of most of the county functions. The clerk of the circuit court is not only the clerk as his title would imply, but also the keeper of county records, recorder, auditor, treasurer, delinquent tax collector, and wheel horse of the county courthouse. The assessor assesses taxes and the tax collector collects taxes. Money is deposited under the clerk's authority and warrants for expenses are counter-signed by the clerk. Each county elects supervisor of registration and many elect a surveyor. Some counties elect a county attorney who may advise the commissioners on legal matters or serve as prosecutor or both. There may be a civil service commission to provide a system of personnel management for county employees, a planning or zoning commission for land subdivision and land use control.

All of these officials are paid by salary or fee or a combination of both. Maintenance and rent of the Court House and other administrative buildings is a necessary expense of county government. Likewise, the expense of elections and registrations as well as legal advertising and the expense of handling tax delinquent lands.

Services of Law Enforcement and Other Protections

Prior to growth of cities and municipal police agencies county officials were the whole local law enforcement officers. The work of judge, prosecutors, and clerks in the law enforcement services has already been discussed. The day-to-day work of law enforcement in the county is in the hands of the sheriff, constables, and their deputies. The sheriff's department answers calls, and in many counties, patrols the non-city area of the county. The sheriff's duties include the preservation of peace, investigation of public offenses, and arrest of offenders. Constables have virtually the same power as the sheriff, but only in the district of their justice of the peace. The sheriff is charged with the maintenance of the county jail and the safekeeping and care of prisoners. The sheriff, as executive officer of the courts in the county, is assigned many duties relating to civil and criminal proceedings, such as serving processes,

summoning jurors, and executing court orders.

Other protective services include provisions made at the county level for the recording of documents and vital statistics in the offices of the clerk of the circuit court and the county judge. Records of land titles, transfers, and encumbrances as well as election statistics, and citizenship papers, are kept in the clerk's office. Records of marriages, other licenses, and wills, are in the county judge's office. Both offices protect and preserve court records.

Justice and Elections

Each county handles a mass of detail in the administration of justice and the conduct of elections. The counties supply clerks, recorders, and attorneys for the prosecution of criminal offenses and pursuance of civil actions. The county attorney and prosecuting attorney (for criminal courts of record) are selected on a county basis.

The county is the basic unit in the election of national, state, and county officials, and where necessary, for the officials of special districts. The provision of polling places and the securing of election officials falls on the county commission and the clerk of the circuit court, but the registration of voters and the maintenance of the registration books is the duty of the supervisor of registration elected in each county.

Highway Construction and Maintenance

The construction and maintenance of roads and bridges up to 1925 in Florida was largely a city-county affair. During the Florida land boom of the 1920's, the state began a road-building program. With the passage of time, more responsibility for highways has been assumed by the state. But highway location, construction, and maintenance is still a joint function of state and county governments. The county commissioners of Florida disbursed over \$17,000,000 for highway purposes in 1956. Over \$7,500,000 of this was spent for supervision and labor, and almost \$1,000,000 for rights-of-way for highways in the counties. Although the state constructs and maintains 12,000 miles of primary and secondary roads, the road systems of the counties total over 31,000 miles.

While the construction and maintenance of state roads and bridges is an expense underwritten by the Legislature, the provision of rights-of-way for new, relocated, and expanded state roads has been the duty of the county (or the city in state roads through cities). Many county commissions also spend large sums on the local roads and bridges in the counties. Local roads have become increasingly important in the unincorporated urban areas of a number of counties. Most counties have consolidated their local roads under a single system, although in a few rural counties each commissioner is directly responsible for the

expenditure of road funds in his own district. This system, now gradually disappearing, resulted in the maintenance of multiple road crews each furnished with its own buildings and equipment.

Welfare Services

A traditional and important sphere of county services is collectively known as social-welfare programs. In Florida these may be divided into welfare for the training and care of the handicapped, infirm and aged, and special welfare projects, public support for health and relief of the indigent. Many of these programs at the county level are closely intertwined with federal and state activities in these areas and in many of them the county serves as the unit of welfare administration.

While federal-state social security services generally provide assistance to the aged, blind, dependent children and disabled, the traditional obligation of the county to care for the indigent continues important in areas not under the larger programs. In 1956, Florida counties disbursed some \$16,500,000 for local welfare activities. The administration of county welfare is through separate departments in the larger counties or through the state department in others.

A number of counties maintain various institutions for welfare recipients. These include county homes for the aged poor, county hospitals, parental homes for children without adequate homes, detention or juvenile homes for the care and segregation of unfortunate or delinquent cases of juveniles, and county farms and dairies in conjunction with other institutions.

Among the special welfare projects, the allowances made to persons on relief totalled almost \$3,500,000 in 1956. Of this sum over \$1,240,000 was expended by Dade County alone. The important differences between the need for welfare services in urban and rural areas can be illustrated by the fact that in 1956 fifteen counties spent less than \$10,000 each on all welfare, while Dade County alone spent \$11,266,000.

Perhaps better known and more useful to the general public are the special welfare projects that revolve around health. Many of Florida's counties have operated or supported county hospitals in the past. In recent years many other counties have constructed and opened hospitals with the assistance of federal and state grant-in-aid help.

County health units now operate throughout the state. These units are closely integrated with the state board of health and are supervised by the state director.

The organization and operation of public health services in Florida furnish an interesting example of administrative reorganization and functional consolidation for the elimination of duplication, improvement in efficiency, and

introduction of economy for the tax payers. Two or more counties may join together and create a joint health organization, and a large majority of the counties of the state have consolidated health administration in units comprising two, three, or even four counties. In the counties of large urban areas, the trend has been to the consolidation of city and county health organizations. Thus, many Florida cities have abolished health departments and transferred the function, with city tax support, over to the county health unit.

The generalized health program of the Florida county health units includes the educational and charitable services of registered nurses, sanitation inspections, immunization of residents (especially children) against infectious diseases, blood testing, protective services, and reporting and collation of health records. Physicians are employed as county health officers to direct the health units. These physicians supervise the physical examination of public school children, public and private servants, and county-wide health activities.

County support is given to indigent tubercular patients in the state tubercular hospitals. Counties are also charged with the duty of conducting insanity inquiries for the admission of patients to the state hospitals for the mentally ill.

Auxiliary Services

Because of the growth of counties and of the demand of the citizens, many Florida counties now engage in numerous additional proprietary functions far beyond the governmental functions for which they were created. The disbursements for these various services in 1956 varied from a low of \$8,000 in Union County to a high of \$7,132,000 in Dade County. The auxiliary operations included those of a county service officer for veterans of the armed forces, for civil defense, airports and docks, mosquito control, zoning and planning, agriculture, forest fire control, recreation and parks, incidental education, publicity, drainage, fish and game conservation, libraries, beach erosion, sewage, garbage, and rubbish disposal.

Florida counties obviously remain important units of government, a statement which can be witnessed by the broad range of activities which are significant to and demanded by the people involved. Mention has been made of the trend in recent years for counties to consolidate along functional lines with other counties or with cities within a county. Since 1951, under general law, county commissioners have been authorized to contract with their fellow officers in other counties along functional lines. The smaller and poorer counties are beginning to enter contracts with neighboring counties in similar financial status for road construction and maintenance, health units and hospitals, juvenile courts, libraries, and so forth. Such services, poorly provided or not at all, may now be made available on a multi-county basis.

County Finances

The intricate character of county finances stems from the problem of financing the ever-increasing functions of county government from stationary or decreasing sources of revenues. The national and state governments have generally abandoned property taxation, which has been left to county, city, and district governments. This in itself would not be without possibilities had not the \$5,000 homestead exemption been made constitutional in 1934. But the homestead exemption has so operated that the very people who seek and demand county functions are the ones who have become tax exempt in the area of the main source of revenue of the counties. Hence, counties have sought more and more assistance from the state.

Prime examples of state revenue assistance are the annual allocations of race track funds: \$11,725,000, or \$175,000 to each of the sixty-seven counties in 1957. Other sources of state-shared revenues include the taxes on motor fuels and licenses which amounted to \$40,888,000 and the total of \$95,000,000 distributed by the state to county schools in 1956. The receipts from local county sources, principally the real property tax on non-exempt property, amounted to another \$113,100,000 in 1956. In addition, the distributions to counties from federal sources in 1956 was over a total of \$2,500,000. Roughly, the total income of the counties in 1956 amounted to \$261,000,000. Of course, not all of this was spent by the county, as much of the county-shared fuel tax was spent by the state road department in road work in the several counties.

In order to provide functions and services the counties have constructed many public buildings through the capital outlay of funds. Thus, in 1956, the counties disbursed almost \$19,000,000 in capital outlay funds for construction of so-called permanent improvements. Many of these improvements have been financed through indebtedness incurred through the sale of bonds. The disbursements for servicing county debts, excluding road bonds, amounted to \$5,320,000 for interest and principal retirement in 1956. The remaining road debts of forty counties in 1956 amounted to \$52,300,000. This debt is under the cognizance of the State Board of Administration which receives the second gas tax of two cents per gallon to retire the county road debts. There is a strong possibility that this debt, much of it incurred during the land boom of the 1920's, will be retired by 1975. Where local road bonds have been paid off, the funds are now spent for road construction in the county where the gasoline tax is collected. The 1957 Legislature provided further tax aid to counties, especially for the operation of public schools.

Organization of County Government

The structural arrangement of all Florida counties is based on the 1885 Constitution, as amended, and the legislation of the biennial legislatures in the ensuing years which follows the constitutional framework. Because of their great dependence upon state legislative decisions, the Florida county has resorted to Tallahassee for legislative help in solving virtually every problem.

The most prominent feature of the organization of the Florida county is the election of county officials: five county commissioners, nine school officials, numerous judges and clerks, and so on. In the quadrennial election the voters may be asked to fill forty, or more, positions in county government. Each of these officials has his own separate sphere of activity -- or petty kingdom over which he serves as lord and master. This rigid constitutional framework of county government largely inhibits effective executive authority, and the separateness of the officials, responsible to the voters for only the single office to which they were elected, may lead to lethargy which promotes indifference and ultimate frustration. County officials are not responsible to a legislative body or a chief executive and operate under a system that is far more disintegrated than state or city governments. An observer of the system has stated that: "The lack of central direction, control, and responsibility, the election of administrators, and the heavy burden placed on the voters are criticized as being unfortunate results of the diffused organizational structure. At present, no general interest exists in a comprehensive transformation of county organization. Such reform would require revision of the relevant state legislative and constitutional provisions."

Representative government would be a mockery without the election of certain local county officials. For example, county commissioners are, in effect, local legislators charged with the crystallization of public sentiment into policies found in local ordinances, rules and regulations under which county public services are performed. But, there is a perversion of the true character of representative government when public offices, which today require high degrees of professional, technical, and administrative skills are filled in "popularity contests" at the polls after the oratory and hand-shaking of county political campaigns.

Reorganization of County Government

County government is something of a mystery to the citizens who are the proprietors and recipients of its services. Few citizens understand the maze of offices, boards, and agencies located at the Florida county seat. Democracy is not found merely in periodic elections; rather democracy means a government held accountable to the people between elections. But how can the people hold a government to account when they frequently cannot comprehend the organization and operation of that government?

The present-day county is saddled with an obsolete structure without clear lines of authority. Individual problems are usually resolved through resort to special laws and the Florida county can muddle along with the periodic constitutional amendments and statutory enactments for the individual counties. But the "patch upon patch" change in one or two parts of the framework will never correct the inefficient operation which results from the outmoded organization that seemed suitable in the day of the horse and buggy. Many years ago, when governor of New York, Franklin D. Roosevelt stated that: "We have a system of local government whose general structure is no more fit for its purpose than an ox cart would be fit for supplying modern transportation. There are not one percent of the counties in the United States but could save money for the

tax-payers if they were reorganized along modern lines.'

Possibilities of County Charters

Various proposals have been offered to improve the county system, one of which would authorize the granting of county charters by the legislature. Each Florida county could then ask the legislature for a county home rule charter under which the county might choose any republican plan to govern and regulate the internal affairs of the individual county. These legislative county charters would be similar to the municipal charters under which the vast majority of Florida cities have always operated. Objections to the county charter plan have been raised on the basis that uniformity in county government would be lost and that confusion would arise. But the lack of a uniform state requirement for city charters has not created harmful confusion; presumably the legislature and the people, both of whom would have a direct voice in the charter proposal, can be trusted to maintain orderly local government.

A county charter amendment was submitted to Florida voters in 1952. The amendment authorized the granting, by the legislature, of county charters for home rule subject to approval in a local referendum. The amendment further authorized enactment of general law provisions under which a county could adopt its own charter. The amendment would have authorized governmental plans under which the ministerial offices of the counties could be consolidated and an appointive executive officer plan substituted. The proposal was a very real threat to the autonomy and independence of existing county officers and was actively opposed by county officers individually and county officer associations collectively. Although the amendment was defeated on a statewide basis, the proposal received an affirmative vote in the counties of large population.

Mention should be made of the home rule charter for Dade County, proposed in 1955 and ratified statewide in 1956, under which the largest county in the state has been granted home rule. At an election in 1957, the voters of Dade County approved a new charter for Miami and Dade County. Further discussion of this innovation in Florida government will be made in its relations to City government.

The County Manager Plan

The adoption of county charters would enable counties to use the single executive, council (commission)-manager form of government similar to the city manager plan which has enjoyed phenomenal growth and success in Florida. Under this plan the voters would elect the county commissioners who in turn would select and appoint a trained administrator to carry out the policies laid down by the commissioners as the representatives of the people.

The county manager, in turn, would select his department heads or assistants just as does the manager of any large business. If the manager selected

qualified personnel and managed the business of the county with economy and efficiency, he would be reappointed. If the manager failed, he would be replaced just as would be the manager of any enterprise who could not operate a business successfully.

The Future of County Government

The county manager plan has been adopted in many of the counties in California, Maryland, North and South Carolina, Virginia, Tennessee, and other states. The realignment of county functions and the better services permitted have saved the taxpayers time, and more important, money. Although the manager plan is being adopted by more cities every year, the growth of the county manager plan has been slow. Perhaps the reluctance to change the old pattern is the fault of the citizens who give lip-service to the movements for better government and who, when aroused, write a letter to a congressman or a newspaper or to the mayor of the city. But the citizens are seldom aroused over county government. In urban areas the emphasis rests on city government and the county government seems hazy and far removed from the affairs of this world. In rural counties, and in the rural areas of urban counties, the best citizens have accepted the old pattern for many generations. In rural areas the best citizens often include the elected county officials and the powerful citizens are sometimes the friends of the officers in the county court house. And while the citizens will criticize the county officials for waste, inaction, or failure, there is no criticism of the antiquated system which promotes and prolongs these things. The greatest need is to replace a superannuated system of county government.

Will the States Take Over?

The introduction of economy and efficiency into contemporary county government is important to conserve tax money and to provide better services. The impelling and crucial reason for the improvement of county government lies in the stark reality that as county governments fail in their functions, the States will assume the work of the county on the demand of the general citizenry. Local self-government is gradually being replaced by the expanding leviathans at the state capitols. The prophecy of the handwriting on the wall is easily read. For example, in Florida the failure of local government in providing for public schools was evidenced in the abolishment of over 500 local school districts and the state assumption under the Minimum Foundation Program in 1947. A large part of the control of the Florida schools passed to the state capitol and each succeeding session of the legislature generates further constitutional and statutory changes for the state centralization of public education. The creation of six new public junior colleges, in addition to those already in operation, in 1957 under the jurisdiction of the State Department of Education, is another step toward state control. Will the other functions of the counties likewise be absorbed at the expense of local self-government and democracy?

CHAPTER XI

City Government

The third major level of state and local government in Florida includes the 320 places incorporated as cities, town, or villages. According to the 1950 federal census there were thirty unincorporated places of 1,000 inhabitants or more. The growth of the urban population has been significant: from 355,000, thirty-six percent of the total, in 1920, to 1,813,000, or sixty-five percent of the total, in 1950. The urban gains since 1950 have no doubt raised this percentage to as much as seventy or seventy-five percent.

In 1950, of the 1,800,000 persons in incorporated places, 167,000 were in cities and towns of less than 2,500 inhabitants. Of the 80,000 people living in the unincorporated places, 38,000 were in communities of 1,000 to 2,500 inhabitants. The incorporated places ranged in size from two (Mecca and Monte Vista) which had no population reported in 1950 to Miami whose population then numbered over 250,000. Starting with Miami, the ten largest cities, in order, were Jacksonville, Tampa, St. Petersburg, Orlando, Miami Beach, Pensacola, West Palm Beach, Ft. Lauderdale, and Lakeland.

Cities and towns have played very important parts in Florida's history from the founding of St. Augustine and Pensacole in the sixteenth century. Throughout the colonial, territorial, and statehood periods, a large part of the people of Florida have lived in communities and have resorted to municipal government to solve their common problems. During the nineteenth century cities and towns grew slowly as the rural areas of Florida became settled and gradually dominated the older urban areas. However, after 1920 municipal growth quickly overshadowed the rural areas.

Municipal governments, first created as a collective method of providing the essential local services of law and order, water and sanitation, streets and sidewalks, have expanded their activities into many other realms of life. Not only has there been a mushroom development in the numbers of cities, but a similar development in city governmental and proprietary functions. As already noted, the major population increase has occurred in urban areas; more than seven of every ten residents of Florida are residents of these urban areas.

City - State Relations

While counties in Florida exist as an actual unit of the state government, cities in Florida are not technically a part of the governmental pyramid. Incorporated cities and towns are legally considered to be public corporations chartered by the state to perform local governmental functions, usually specific and limited in nature. Under the Florida Constitution, the Legislature has complete power to create, alter, and abolish cities, to provide for their governments, and to prescribe their powers and jurisdiction. In general, Florida cities have operated entirely under state special charters granted by local acts of the Legislature. A city charter of this nature comprises a series of grants and restrictions relating only to the public corporation named in the special act. The powers given to cities generally include ordinance-

making, penalties for violation of ordinances or power to determine penalties, for the prevention and removal of nuisances, business and vocational licensing, construction and maintenance of municipal buildings and areas, establishment of building codes, municipal elections, and power over finances such as limited taxation and debt.

Actually, there is another method by which city governmental machinery can be established in Florida. Under a general law of the state, the citizens of an unincorporated community may follow a simple procedure and create a municipality without outside assistance. Cities created under the general law must adopt a mayor-council form of government which shall be endowed with the powers enumerated in the law. No doubt many communities would follow the general law method of incorporation if the Courts of the state would validate municipal bonds of these cities as rapidly and without question as the bonds of cities created by special legislative acts. Further, the ease with which a charter may be drafted, submitted to the legislature, and passed as a special act, has made its use more popular than the more arduous method of incorporating under general law.

There have been numerous occasions when cities with either general law or special law charters have amended or changed their charters, in part, through local processes of amendment or revision. By the same token, amendment or revision of city charters may be accomplished by further special acts of the Legislature. However, special acts concerning city charters must be advertised in advance of passage or be followed by a local referendum. There are no other restraints upon the legislative power of chartering and changing municipalities. If the legislative delegation of the county in which the city is located is in accord on the proposal, the special act is passed without the further concern of the Legislature.

Since many hundreds of changes in cities and their charters are sought at each regular session of the Legislature, the practice has gained such time-consuming notoriety as to be called "the local bill evil". Indication of the extent of powers granted to cities can be obtained from a glance at recent acts: to provide a salary raise for employees of Jacksonville, to annex territory to Tampa, to authorize St. Petersburg to secure voting machines for city elections, to provide allowance of armed forces service credit to the Tampa retirement system, and to authorize the imposition of utility taxes in several cities. A more satisfactory method would be a constitutional amendment providing home rule for cities. Such home rule provisions in many state constitutions require that charter creation and amendment be promoted through local charter boards and approved by the electorate of the city concerned.

Executive and administrative control of the state over cities in Florida includes the unusual authority of the Governor to suspend and the Senate to remove municipal officers. Although this power has been frequently used against county officials, there are few cases of its use against city officials. Florida cities are required to submit certain financial reports to the state Comptroller, but other than filing reports the power has proven of small value. Judicial control of the state over cities is similar to that exercised over counties. Numerous cases involving cities are tried in the circuit courts.

City - Federal Relations

For many years the states served as the intermediaries between the national government and city governments. More recently there has been many cases of direct federal-local relations. Examples of the direct contacts have been in the many federal services offered to local communities, and especially those city-federal relations that have risen from the turbulent periods of the great depression (1929-1940) and World War II (1939-1945). Both of these catastrophes brought the national government close to Florida cities.

Federal services to local governments have been available for some years. From the Department of Commerce and the Bureau of Standards has come help in building codes, planning and zoning services; from the Bureau of Mines, help on smoke abatement; and the Census Bureau, help on the statistics concerning urban dwellers. Under the Department of Justice, much help from the Federal Bureau of Investigation on crime control. The list could be extended to numerous other federal departments and agencies.

During the two crises mentioned above which threatened the nation's economic, social, and military security, federal-local action was produced on a grand scale. Several administrative agencies of the national government assisted cities in meeting problems caused by the depression. Public works were encouraged by the Public Works Administration which made outright grants and further loans for approved municipal projects and the program was continued until 1951. Joint federal-local housing projects were begun in 1937 for slum clearance and subsidized housing for low-income families. By 1953, there were nineteen housing authorities providing more adequate housing in erstwhile slum areas in Florida cities. Under the Federal Airport Act of 1946, federal funds are used on a 50-50 matching basis with local funds to construct municipal airports.

The war effort carried the national government into cities with such agencies as the Office of Price Administration, Office of Civilian Defense, War Manpower Commission, War Production Board, War Labor Board, Office of Defense Transportation, and the Committee on Congested Production Areas. While much federal activity with the cities passes through the state channels (education, health and welfare, social security, roads, etc.) enough material has been given to illustrate the direct relations of the United States with cities.

How Cities are Created

The incorporation of a community into a city or town is relatively easy. Under the general law of Florida, when 150 voting property owners of Florida (called freeholders) have sufficient local interest to incorporate, a notice of a decision to establish a municipality must be published in a local newspaper or posted in three prominent public places in the area. The notice describes the proposed corporate limits and announces the location and time for a meeting to consider the matter. If a quorum of two-thirds of the freeholders meet and decide to organize a city, the assemblage selects a name and corporate seal, and

locates the boundaries of the proposed city. A mayor, clerk, marshal, and five to nine council men are elected. When the officials have taken the prescribed oath and the minutes of the meeting are filed with the Clerk of the Circuit Court of the county, the new city is organized and ready for operation with all of the powers endowed under general law. Such a municipality may be dissolved by a two-thirds vote of the electors. If the new city desires a charter, the general law provides for the election of a charter board and a referendum upon the charter before its adoption.

A simpler method of incorporation may be through the special acts of the Legislature. This method is not dependent upon the number of residents or a public meeting. Generally those interested in securing municipal government draft a charter which is then submitted to the legislative delegation from the county and introduced into the Legislature. Since such local bills enjoy legislative courtesy, they are passed through both Houses by acclamation. Obviously, cities created by this method may be dissolved in a similar manner. The only restriction is that in abolishing a city, the Legislature must make provision for the liquidation of the debt of the municipal corporation and the protection of the creditors of the city. Some years ago a legislative charter was enacted as a special law for an area whose population was composed of less than a dozen winter residents. Many areas have been incorporated to prohibit their annexation to nearby cities or from other special desires for the protections gained from incorporation.

Differences Between Cities

The cities and towns of Florida have many different characteristics, depending upon geographical location, economic foundations, and social composition. The differences between cities are important as the variations have direct bearing upon the governmental and proprietary functions in which the individual city will engage. Many Florida cities are centers of rural trading areas, often also serving as the county seat and site of the county court house. In the interior sections of the state there are many communities that are separated by miles of farms and forests. Along both coasts, however, there are many large central cities surrounded by satellite cities and unincorporated urban areas. The governmental and proprietary services of central cities in urban and metropolitan areas are influenced and complicated by geographical proximity. No better example can be cited than the problems arising from the urban settlement in Miami and twenty-five other cities in the eastern section of Dade County. Many satellite cities enjoy lower tax rates because their residents resort to the facilities, such as recreation and amusement, provided at the expense of the central city.

Differences in Size and Population

Florida cities vary in size from less than a square mile to over one hundred square miles. Jacksonville, Tampa, and St. Petersburg encompass large parts of

their respective counties while many of the cities of Dade County can be measured in tens of acres. Most of the cities are less than three square miles in area. The problems of providing public safety, streets, sewers, and other services increase in direct ratio to the size of the city. In population, Florida cities vary from less than one hundred to almost 300,000 in Miami. A majority of the cities have less than 10,000 residents. The smaller the city, the fewer the services provided; many of them offer little more than a two or three man police department and a volunteer fire department.

Differences in Economy and Society

The economy of Florida cities varies from the county seat trading centers of predominantly agricultural sections to the industrial-resort complex of Miami. In between these two extremes will be found cities whose economy is built around one, or more, of the following activities: industry, wholesale and retail trade, resort and retirement, centers of government and education, and armed forces bases. The economic basis of the city is closely related to the nature of the services sought by the residents and the financial resources available. The society of Florida cities likewise varies; resort and retirement cities provide for more services of recreation and amusement than centers of government and education. The same would be true of protective services against crime and delinquency. Because of these differences there are wide variations in the number, types, and intensity of the functions and services undertaken by Florida cities.

Municipal Functions

By and large, the cities of Florida are organized to provide numerous important services: protection, public works, recreation and amusement, health, utilities, and the governmental services of justice, finance, planning, civil service, and others necessary for municipal administration.

Protective Services

The several services of public safety or protection to life and property are the most obvious and the most expensive provided by our cities. The city budget for activities of law enforcement, fire protection, and construction inspection generally requires a third of the municipal revenues. The major arm of law-enforcement is the police department whose services include sidewalk and street patrol for the apprehension of law breakers and the regulation of traffic. The police departments of the larger cities include divisions of identification, detection, and jails and work houses. The police chief is generally a trained administrator in law enforcement, appointed by and responsible to the mayor or manager.

Fire protection, allied with fire prevention, is administered through a fire chief whose department undergoes rigorous training in its work. In the smaller cities, the regular fire personnel may be augmented by a volunteer group of firemen. In some areas of the United States the police and fire activities have been consolidated into a unified department of public safety.

The inspection activities, such as building inspection and condemnation, plumbing and electrical inspection, and sanitary inspection, may fall into one or several departments. Applications for building permits also fall into the work of planning and zoning activities.

Public Works

Second in importance to the protective services come the public works activities of cities. About a fourth of the municipal expenditures fall into this category. As much as two-thirds of the funds for public works may be spent on the construction and maintenance of streets and storm sewers. Street paving and sewer construction may be accomplished, especially in residential areas, through special assessments levied against adjoining property. Since 1941, the Florida Road Department has been authorized to construct and maintain streets as urban links in the state highway system.

Most cities have installed fairly adequate sanitary sewer systems for sewage collection. With the rapid growth of cities, however, sewage disposal methods and facilities have not kept pace. Water pollution and other nuisances have developed and become a matter of concern with public health officials. Garbage and refuse collection are usual city services. The disposal of garbage and refuse varies from incineration to land-fill methods. With the increasing cost of these services (and the increasing demand for more frequent collections of garbage) many cities have levied extra sewage and garbage taxes on all buildings and residences in the municipality.

A number of other public works functions have been added by cities at the demands of citizens: airports, docks and wharves, off-street parking facilities, public housing, and urban redevelopment through slum clearance and land reuse.

Recreation, Health and Welfare

In a tourist state and in a state where residents may be out-of-doors the year-round, Florida cities are actively engaged in providing recreational facilities and opportunities. Cities construct and maintain recreational centers and playgrounds, tourist clubs and parks, swimming pools and boat basins, golf courses and tennis courts. Many cities maintain separate recreation departments under a recreation director and staff. City libraries and even museums are found in a large number of Florida municipalities.

The maintenance of separate health departments in cities is gradually giving

way to functional consolidation with county departments. Several Florida cities, however, continue to operate their own departments and to maintain medical clinics for city dwellers. Municipalities have the power to close public and private enterprises when community health is endangered. Other city activities in this category include the abatement of nuisances, the condemnation of unhealthy buildings, and insect and rodent control.

Municipal activity in education and welfare has given way largely to state and county activity. A few cities, however, continue to provide incidental aid for the indigent and the poor.

Public Utilities

The public-service enterprises which cities engage in are sometimes referred to as proprietary activities. Historically, a municipal water works was regarded as a business enterprise; today water supply is so important that many observers regard the enterprise as governmental function. The public utilities functions do have two distinguishing characteristics: they are financed by direct user charges and they are functions which could be provided by private enterprise. Among these functions are the provision of water, electricity, fuel gas for heating, transit systems, boat moorings, yacht basins, docks and wharves, and in some cases, airports. In many cities the public utility operations, through the sale of services to local consumers, have become a chief source of revenue for other municipal functions.

Many cities constructed public waterworks to assure a steady supply of water under sanitary and healthful conditions. Municipal electric light plants were often acquired or constructed as public conveniences. Their operation as revenue producers is a relatively recent innovation with the decline of other tax sources coinciding with the citizens' demands for more services.

The other public-service enterprises are performed by only a few of the larger cities. Jacksonville owns and operates the municipal docks and St. Petersburg owns and operates a gas plant. The ownership and operation of municipal bus lines has been only within the past few years and in very few cities. Most city transit systems are in private hands.

General Government Functions

Considerable municipal activity must be undertaken before direct public services can be made available to the citizens. These services are collectively known as general government operations. Property assessment and tax collection, the conduct of elections, the public buildings or city hall, the municipal courts, control, auditing, and disbursement of funds, purchasing of supplies, budget preparations and adoption, and the consideration and passage of ordinances are all functions that are incumbent on the operation of a city. Many cities have installed civil service systems for the recruitment, supervision, retention, and retirement of qualified personnel. In the same manner, many cities have estab-

lished planning and zoning agencies for the promotion of orderly and intelligent municipal development.

Financing Cities in Florida

The major source of revenue for the operation of municipal government has been the ad valorem tax on real property. With the adoption of the homestead exemption from taxation on the first \$5,000 of valuation, in 1934, the property tax has been necessarily buttressed by other tax sources. The most important of these new sources is found in the utility operation and utility tax. Some revenue is produced from fines and forfeitures, occupational licenses, and inspection fees. Another source of municipal revenue comes from the state-shared cigarette tax and pension funds.

While the adoption of homestead exemption for tax purposes was of great value during the depression, 1930-1940, the amendment tended to operate to the disadvantage of the very persons who were to benefit. After 1940, the demands for city services and the rising costs of providing services forced municipalities to either curtail activities or impose new taxes. Further, property subject to taxation (non-exempt) increased a third in value whereas the property exempt from taxation (homesteads) increased two-thirds. While the number of homes demanding city services increased, their tax contribution decreased percentage-wise.

The financial plight of Florida cities gained recognition in a revenue law enacted by the 1949 Legislature. The Florida tax on cigarettes was increased from four to five cents per package and the proceeds of taxes collected on cigarettes sold in cities were returned to the municipalities. By 1951 the state was returning almost \$13,000,000 to the cities; by 1956 the shared-tax on cigarettes was producing almost \$17,000,000 for Florida cities. In addition, the state distributed almost \$900,000 to municipal pension funds for policemen and firemen. The funds for this distribution were derived from state taxes on insurance premiums paid in the individual cities.

As previously noted, a new and major source of income for Florida cities has been the city operation of municipal water, light, and gas plants. Not only do cities derive a profit from these utilities, but many cities tax the commodities sold whether produced by the city or by private enterprise under franchise with the city. Also, many cities now derive income from the performance of certain functions. Taxes, or charges, are levied monthly for garbage collection, sewage disposal, hospital and recreational fees, and the use of docks and airports. Some cities, like Jacksonville and Tallahassee, operate utility plants which sell their products not only in the city, but in surrounding cities and counties.

Problems of Metropolitan Areas

With the advent of motor vehicle transportation, Florida cities spread out broadly in ever-increasing circles of suburban development. The growth of the

metropolitan community, while increasing in density and congestion in the central city, has been more extensive in the suburban areas. The expansion has brought complex problems in the economic, political, and social life of the region. Miami, Jacksonville, Tampa, St. Petersburg, Orlando and other large Florida cities are surrounded by satellite incorporated places. By 1950, the five metropolitan areas (listed in the previous sentence) contained thirty-eight percent of the state's population, but the population inside the central city varied from fifty-four percent in Miami to eighty-six percent in Jacksonville and St. Petersburg. The suburban sections, however, comprise one-third of the population of the metropolitan totals, and one-eighth of the state's total. The growth of unincorporated fringe areas has been accompanied by the practice of many suburban sections seeking incorporation as satellite cities and towns of the central city.

The development of the suburban areas of the central city becomes a serious problem of local government when there is no unified control over traffic, law enforcement, streets, sewers, fire protection, and the other services necessary for modern city life. The suburban areas may develop as blighted areas with adverse effects on the central city's health and morality, or as new residential areas where the householders continue to enjoy the benefits of the central city without sharing the tax burden. Meanwhile, in the satellite communities and the fringe areas, the problem becomes one of securing adequate and vital services: water, police and fire protection, streets, sewers, and refuse disposal.

In the past a large proportion of local government has been entrusted to county governments, whose frameworks of organization were well recognized before the birth of the Republic. In the metropolitan area, one local government will exist for one local area; but multiple units will be organized to handle multiple services. However, no single unit exists to handle the area-wide problems significant to the overall metropolitan community. By the same token, there are demands for overall services which must be neglected or ignored because of the lack of authority by any one unit to undertake the functions. This has been called the tragic void, and it has been largely responsible for the present problems which are poorly solved or remain unsolved in the urbanized areas under consideration. The principal agency found in Florida to handle area-wide problems is the county. But Florida county governments are overloaded with constitutional boards and commissions and separately elected court-house officials, and they seem powerless to undertake the concerted effort of legislative and executive action necessary to resolve the issues developed by the growth of the metropolitan district.

City-County Consolidation

Observers of the growth of urbanized areas in Florida agree that there is urgency in the search for new governmental organizations which will solve the metropolitan problems. One answer to the need for reorganization has been sought in cooperative arrangements. These arrangements involve a network of contractual relationships, special district enterprises, special authority enterprises, and similar arrangements, all attempting to provide services throughout all or part of a particular area. Such an arrangement as the purchase of water and the disposal of sewage by one municipality for another (as occurs among several cities in Dade County) is an example. The joint use of a garbage disposal plant, the establish-

ment of water conservation districts and sanitary districts, the creation of port and airport authorities are other illustrations of such cooperative arrangements.

The old approach to solving city growth through annexation of nearby areas by the central city has failed because of opposition to such mergers by nearby incorporated cities which have undergone mushroom growth. Thus, incorporated places in Dade County and in Duval County have successfully opposed all efforts to annex them to the cities of Miami and Jacksonville. Annexation of unincorporated areas, especially on a selective basis of high income property or exclusive residential property, is opposed because of the threat of inequitable tax loads. Annexation proposals are often opposed because of the threat to municipal autonomy enjoyed by the incorporated satellite cities. Indeed, in some cases where merger has been suggested, hitherto unincorporated areas have been hurriedly incorporated, merely in order to thwart the expansionist program of the central city.

Another attempt to answer the demand for a desired governmental service in Florida has been the special, or ad hoc, district or authority. The creation of a special district or authority has brought all manner of units for fire control, sewage disposal, insect control, ports, airports, hospitals, drainage, water conservation, roads, zoning, and public utilities. The failure of these political units results from their inability to coordinate the public services of several jurisdictions, the lack of central control over multiple units, and the ultimate cost that follows from a lack of effective planning for the future. The use of these units may defeat the very purpose for which they were originally created.

The consolidation of certain city and county functions to avoid duplication of effort and expense has proven the most efficient and economical answer to certain phases of the problem of government in urbanized sections of Florida. The best example, public education, has already been cited. Before 1947, there were 583 school districts; today there are only 66. Public schools are now operated on a county-wide basis without regard to city or cities. The consolidation of tax assessing and tax collecting on a county-wide basis was inaugurated in Hillsborough County in 1944, and in several other counties later. In 1954, the Constitution of Florida was amended to provide under general law for such tax consolidation in all counties.

The consolidation of public welfare and public health agencies has been accomplished in virtually all counties. A consolidated plan of county and city voter registration has been effected in both Pinellas and Hillsborough Counties. The consolidation of water and other utilities has come about by growth in several Florida counties, and in these counties the central city provides these services from the utilities plants of the municipality for the residents outside the city limits.

City-county functions which offer opportunities for further consolidation may be found in law enforcement, waste disposal, street and road maintenance, surface drainage, flood control, fire protection, and provision of parks and libraries. The nature of the plan of consolidation is of but secondary moment. In large cities, municipal and other local governments operate over much the same geographic area. There is something ridiculous in denying that considerable elimination of wasted manpower and materials could result if many public services now provided by several overlapping units of government were provided by one

central unit. The cities are paying a very large part of the county and district taxes. Cities are not receiving a commensurate return in services, since many county functions are beyond the city boundaries. If a city has eighty percent, or more, of the population and assessed valuation of property in a county, why should the people living in that city support both a city and a county government?

Metropolitan Problems in Florida

The subject of city-county consolidation is not a new one; in 1934, the Florida electorate approved an amendment permitting the consolidation of Jacksonville and Duval County, and a similar amendment was approved for Key West and Monroe County in 1936; but neither consolidation was ever carried out. In 1946, an amendment was approved for the consolidation of county offices in Orange County and in 1948 for the consolidation of the city of Miami and Dade County; but enabling legislation for both consolidations was defeated in local elections in the counties involved.

In Tampa the metropolitan problem of government was partially solved by legislative enactment in 1953 after many years of effort. At that time, about forty-five square miles containing 80,000 residents were annexed by the City of Tampa. A joint commission to study the possibilities of consolidation in Tallahassee and Leon County was created by an act of the 1953 Legislature. In 1954, the thirteen municipalities on the three offshore islands of St. Petersburg secured a survey to determine the feasibility of consolidation. The merger of Jacksonville Beach, Atlantic Beach, and Neptune Beach, three adjacent incorporated cities in Duval County, has been advocated for many years, even though the proposition was defeated in a referendum as late as 1947.

A long search for a solution to the problems of metropolitan government in the Miami-Dade County area has been carried on. A Metropolitan Miami Municipal Board was created in 1953, and it secured a governmental research service to prepare a report on the governmental problems in Dade County. The report was published in 1955, and it became the basis on which was prepared a constitutional home rule amendment to the Florida Constitution. This amendment was ratified in 1956. Under its authority a charter board was created, and a charter was written for the area involved. The Dade County home rule charter, streamlining and reorganizing the governments of Miami and Dade County, was adopted at a local election in May, 1957. Under this charter the elected Board of County Commissioners becomes the metropolitan governing body and has authority to appoint a county manager who will be executive and administrative head of the new metropolitan government. The adoption of the home rule amendment and charter for Dade County may be the first state move toward the long-needed reorganization of county government in Florida.

Form and Structure of City Government in Florida

Three general forms of municipal government prevail throughout the United States: the mayor-council form, the commission, and the council-manager form.

In many cities the council-manager form is called the commission-manager form. Examples of each of the three, and combined variations of the three forms are found in Florida cities. Jacksonville has a combination of the mayor-council and commission forms. The mayor-council form is the basis for the governments of Tampa and Orlando; while the council-manager form serves in St. Petersburg, Pensacola, and a hundred other cities in Florida.

Under the mayor-council type, the council performs the functions of a legislative body, and the mayor serves as the municipal executive. Under the commission form, the voters elect commissioners who collectively serve as a legislative body and separately serve as executive heads of the several departments of the city. Under the council-manager form, the citizens elect a council, usually of five members, who then appoints an executive, or manager, who is charged with the responsibility of selecting department heads and operating the city government.

The unification of municipal administration in the hands of a single executive is a step toward giving the citizen better service for his tax dollar. There is less chance to shift responsibility, or to "pass the buck". When there is a grievance or complaint to be made, the citizen knows where to go. Representative government means not only the election of representatives at stated periods, but it means also a government which is accountable to the citizens. If the citizens are to hold their government to account, they must have one they can understand. The council-manager plan supplies a good example of a plan of city government that is easily understood.

On the basis of its record the manager plan appears to be the best yet devised for local government. As shown by the number of its adoptions -- over a hundred in Florida alone -- the plan has achieved marked success. Some years ago, the leading newspaper of a large city supported a campaign for the manager plan. One of the editorials asked: "Why not run the city itself on a business schedule by business methods under businessmen? The city manager plan is, after all, only a business management plan. The city manager is the executive of a corporation under a board of directors (the councilmen). The city is the corporation. It is as simple as that." The council-manager plan illustrates the axiom which says that if you want representation in public office, elect the officeholder; if you want administration in public office, appoint the officeholder.

There is, however, no "golden key" to good government. Any plan of government, like any sound structural principle, depends not only upon judicial adaptation and execution by responsible officials, but even more importantly upon firm and active citizen support. At a meeting of county and city officials, where the subject under consideration was city-county consolidation, the author was asked: "But shall the city swallow the county or the county swallow the city?" Whereupon the author replied: "Neither; there should be a marriage of the two." The questioner persisted: "But who would be the bride?" That is a good question; however, success depends not nearly so much on the mechanics of the plan, as it does on the support of the plan chosen.

The principles of the Declaration of Independence and of the federal and state constitutions are as evident in the twentieth century as in 1776 and 1787. The need for continuation of the principles of representative government has never been greater than today, when the centralization of the national and state governments, at the expense of local government, has been rapid and is continuing.

Again, the form and structure of governments are important considerations in a democracy; but citizen interest, participation, and vigilance are even more important. Charles Edison, former governor of New Jersey, ably stated the proposition when he said: "I believe firmly that the best government is the government nearest the people. We must choose between centralization and local self-government. The choice will not be accomplished simply by saying we prefer self-government. And it won't help any to denounce the federal bureaucracy. The only defense, as Thomas Jefferson told us more than a century ago, is to strengthen our state and local institutions and make them worthy of the responsibilities they ought to bear."

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CHAPTER XII

Special District Governments

If little is known of the county governments of Florida, much less is known of the special districts and special boards that exist within the counties, or over several counties, in Florida. These special districts form the third level of local government in the state, and in some cases are as important as the counties and the cities. According to a federal census of governmental units made in 1953, there were 255 special districts in Florida. By and large, the special districts are said to form an almost "invisible" layer of government. Local citizens seldom have much knowledge regarding the activities of the special districts, even though they are affected by district services and taxes.

There are several types of special districts, with each type specializing in one function. Taken all together, the districts provide many services. Districts are important in school administration; they exist for hospitals, drainage, flood control, irrigation, sanitation, ports, airports, navigation, soil conservation, beach erosion, and similar activities. Collectively, the districts provide many of the functions that might well be provided by cities and counties. None of the districts is exclusive to the extent that some city or county could not provide the same service. Most of the functions are undertaken by districts as alternatives to, or in addition to, city or county administration.

Most of the special districts are distinct and separate units of local government, and they are virtually independent of other units in administration and finance. Special districts in Florida which reported to the State Comptroller in 1956, other than school districts, had an operating revenue of \$6,820,000.

Organization of Districts

The nature of a special district is determined by the constitutional or statutory authority for its establishment. Many special districts, such as special tax school districts or drainage districts, are organized under general laws. Others are created by special acts of the Legislature. Both the general laws and the special acts outline provisions for areal inclusion, organizational procedures, powers, function, composition and selection of the governing board.

Districts organized under general law, and in some cases under special law, require an organizational meeting of a majority of the property owners in the area concerned, and an election to determine the will of those assembled in regard to the proposed district. A district is usually governed by a board of trustees, supervisors, or commissioners. In many cases, the local freeholders will elect the governing board, but in other cases the members of the governing board will be appointed by the Governor. In a few cases, the County Commissioners will serve as an ex officio governing board for the district. In the large special districts which cover all of, or parts of, several counties, the governing board is usually appointed by the Governor. Three to five member boards are the general rule.

Kind of Districts

A general classification of special districts would include several major types.

1. Districts organized for the provision of certain special functions, both in cities and surrounding areas, such as hospital, port, airport, drainage, and sanitation services.
2. Regional districts, such as the Central and Southern Florida Flood Control District, Everglades Fire Control District, and the Florida Inland Navigation District. These districts have been created to handle areawide problems.
3. School districts are the best known units of this type, though their usefulness has been diminished in recent years.
4. Agricultural districts which have been organized for rural areas to provide drainage, soil conservation, road and bridge, fire protection, beach erosion, health, and other services.

Districts Organized for Urban-Rural Services

Since much of Florida's growth has occurred in and around cities, and the demand for services has not been restricted to cities alone, a number of districts have been established to perform particular functions within such urban-rural areas. In the Jacksonville-Duval County area an air base authority was created to sell bonds for the purchase of lands for the Jacksonville Naval Air Station. Hospital districts to finance the construction and operation of twenty-five hospitals have been created. Twenty housing and community development districts are in operation along with six sanitation districts.

Reasons for the establishment of these districts vary, but the primary purpose is to create a governmental unit with taxing power over the entire area included in the district, whether rural or urban or both. In the case of the establishment of a service district in an urban but unincorporated area, the chief reason may be the desire of the community to avoid annexation to a city and the ensuing higher tax burden. As one observer noted: "They cling to the rural character of their new homes, despite the fact that the areas have become highly developed communities. Non-city status is viewed as more rural than city status, despite the fact that the area may have already become obviously urban."

The use of a special district to provide one or two services that might well be supplied by an existing city government is questionable. After the organization of a district to provide one or two services, further growth of the area may necessitate the creation of other special districts to supply other services. The result may well be an overlapping of special districts within a given area, each district providing a different service and levying a separate tax. A better solution than this, in the long run, would be either to incorporate the area as a city or to annex the area to the nearby city. In California an attempt to meet the problem was made by the passage of a community services district act under which a single district may handle up to eight different services. In Florida there has been some resort to the contractual exchange of services between local units of government, but a more effective method would entail county-wide administration of all special district services, if possible.

Metropolitan and Regional Districts

The special district is a necessary and frequently useful method for administering functions or services that benefit a wide area and cannot be administered effectively on a city-wide or county-wide basis. The establishment of a large district, overlapping or overlying cities and counties, is the best means of securing governmental boundaries which cover an area with overall problems. In Florida the functions of such regional districts include flood control and drainage, water conservation, navigation, fire protection, port authorities, and similar activities.

Formation and Governmental Control

The formation of the metropolitan and regional special districts in Florida follows two lines. creation by special act of the Legislature, or creation by general law. The latter method is used to create districts within one county. The general law is usually requested by the Board of County Commissioners of the county concerned, and usually this Board serves as an ex officio governing board of the special district. Such regional districts as the Central and Southern Florida Flood Control District, the Everglades Fire Control District, and several multi-county water conservation districts have been created by special legislative act. Special acts have also been used to create water conservation and other districts within one county.

The governing boards of multi-county districts are usually staffed with members appointed, on continuing or staggered terms, by the Governor. These governing boards, in turn, frequently appoint an executive director to administer the program and work of the unit. Occasionally, the district board members are elected by popular vote, but this has been an infrequent and unsuccessful method.

The major advantage of the metropolitan or regional district has been the ease with which the limits of many governments may be crossed to help solve a common problem. These special districts establish a governmental unit in the entire area which needs a particular function or service. There is opportunity for unified planning and action, and an equitable tax base is available to pay for the service throughout the entire area or region. Further opportunities are provided for effective, efficient and economical methods in management of personnel and materials.

The major weakness of these districts, in fact of all special districts, is the addition of another unit of government to the plethora of local governments already in existence. The metropolitan or regional district has, nonetheless, the merit of consolidating a function in one unit rather than separating it among several small units which might perform the service otherwise. An even better solution would be the adoption of a multi-purpose district which could undertake to perform all functions and services. In Florida, the new governmental consolidation of 1957 in Miami and Dade County is an experiment toward such a solution.

School Districts

For many years the administration and financial support of public or common schools in Florida was a strictly local function. School administration throughout the county was under the jurisdiction of an elected county school board and an elected county school superintendent. At the same time, the schools of local communities within the county were under the additional jurisdiction of a board of three trustees elected from a territorially-defined school district. The 1885 State Constitution prescribed a property tax of at least three mills, and not more than ten mills, to be levied for school purposes by the county school board. By 1921 the need for more funds for local schools was met by an amendment which allowed the electors of local school districts to approve a tax up to ten mills on the dollar of assessed property for the use of the schools in that district only. These districts numbered almost six hundred in 1947 and had become so numerous that a problem was created.

Consequently, in 1947, all school districts were abolished, save one in each county; and the school district trustees were then elected on a county-wide basis similar to the members of the county school board. While a theoretical distinction existed between functions of the five county school board members and those of the three district school board members, this distinction did not work out in practice (1947-1955), and much useless overlapping and duplication of activity developed. Since the major reason for continuing school districts lay in their constitutional powers of taxation, a movement by school officials over the state culminated in an amendment proposed by the 1955 Legislature to abolish the school districts, after approval by the electors of a county (district), and to transfer the taxing power of the trustees to the county board of public instruction.

The situation existing between special school tax districts and the county boards was something of an administrative nuisance and plagued school officials. The proposed amendment was ratified by the electorate in 1956, and the voters of Dade County took advantage of the new provisions and abolished the Dade County School District at an election in May, 1957. There is a strong likelihood that other counties will follow the lead of Dade County in transferring the functions of the school districts to the county school boards.

Another power of school districts, under a constitutional amendment adopted in 1924, has been the issuance of bonds for the use of schools within the special tax school district. Whenever a majority of the freeholders in a district express in an election their desire to issue bonds, the trustees may sell bonds to the extent of twenty percent of the assessed value of the property in the district. Such bonds shall be retired by a special tax levied on the taxable property within the district.

Until the passage of the Florida Minimum Foundation Program, in 1947, which provided state aid for capital outlay or construction of school buildings, virtually all school construction was undertaken by the district trustees. In 1951 the long term school debt of school districts (secured by property taxes) amounted to \$26,766,000. Since 1947, and the development of state aid, the long term school debt of school districts, secured both by state assistance and by local property taxes, has risen an additional \$42,015,000. In many counties the existing means for financing school construction have been exhausted, and further construction funds must come from the state, unless school finance laws are changed. In counties where the school districts may be abolished, these financial duties and obligations would be transferred to the county school board.

Rural and Agricultural Districts

The remaining special districts of Florida are concerned with special purposes or single functions in rural and agricultural areas. The number of all special districts in the state, exclusive of school districts, increased from 101 in 1942 to 188 in 1952. A large number of these districts are concerned with problems of drainage, water control and conservation, soil conservation, fire protection, and similar activities.

Drainage Districts

A general drainage act, first passed in 1913, authorizes the organization of special drainage districts out of contiguous territory of one or more counties. Under the general law, a majority of the property owners, or the owners of a majority of the land to be affected, may establish a unit. Many drainage districts have also been created by special act of the Legislature. Since 1900 some hundred drainage districts have been created, but in 1952 only forty-eight were in an active status. For many years drainage districts were a result of the joint operations of land owners, engineers, bond brokers, and real estate brokers. Owners of swamp and overflowed land hired engineers to plan drainage facilities, bond brokers arranged the financing of drainage operations through bond issues, and real estate brokers were secured to sell parcels of the drained land. Many acres of land far in excess of the contemporary needs of the period, were drained and sold. As a result many drainage districts defaulted on their bonded debt and were placed in bankruptcy and receivership.

Within recent years the drainage districts have operated on a much more useful and efficient basis. Land within the districts has been settled and placed in cultivation, and the districts are performing wholly useful services. Further, because of recurring periods of flood and drought, newly organized districts are now engaged in water conservation. By means of dikes and dams, much water which had been channeled to the seas is now stored for use during dry periods. Increased settlement in Florida has brought increased need for water, especially in urban areas. Thus, water conservation districts have been organized in Dade and Pinellas Counties, and in the Ocklawaha, Suwannee, and other river valleys. These water conservation districts have sought to prevent flooding in periods of excess rainfall and to provide irrigation in periods of light rainfall and of high demands for water.

Soil Conservation Districts

Districts organized for the purpose of soil conservation numbered fifty-one in 1952. These districts have been formed since 1941 through the influence of federal laws sponsored by the federal Department of Agriculture. Each such district is under the supervision of five elected board members, whose function is to promote better agricultural land utility and preservation within the immediate section. The organization and activities of the local districts are supervised by state agencies working in close cooperation with federal agencies. Local farmers, growers and planters in the district are encouraged to construct various types of windbreaks, to introduce field terracing, and to take other measures to prevent soil erosion and to increase soil fertility. Many of the soil conservation practices and the regulation of cropping and range practices are democratically instituted after approval by the landowners at an election.

Summary

There are a number of other special purpose districts in Florida created

for improvement of navigation, fire protection, and miscellaneous activities. The creation of over eighty special districts from 1942 to 1952 is sufficient evidence of the axiom that what the people want, the people get. When the city and the county cannot, or will not, provide a service or function, the residents of an area quickly resort to the special district device for satisfaction.

A summary of the general revenue of special district governments in Florida in 1950 showed that their total general revenue that year was \$4,643,000. Some \$3,900,000 of this amount came from property taxation, the remainder from other sources. A summary of the outstanding debt of special district governments in the same year showed that such debt amounted to \$57,163,000. This amount was divided into \$25,478,000 for general functions and \$30,726,000 for utility functions.

Local government (city, county, and district) continue to occupy important places in the governmental life of Florida. Whereas the county level has tended to remain static, the city level has been dynamic. The special purpose districts have been utilized to perform services or functions that have not been assumed by the other two levels. All three levels have been active and influential, but there is considerable room for improvement to eliminate overlapping and duplication and to promote efficiency and economy. Florida probably has the resources for the development of a better system of local government. The adoption of a home rule charter, and a unified metropolitan government, in Dade County is an indication that there is vitality in local government and that other improvements may be forthcoming in the near future. Realization of better local government should be an important matter to officials and citizens in Florida, a state now challenged to provide for the needs of a rapidly growing population.

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APPENDIX TO THE GOVERNMENT AND POLITICS OF FLORIDA: 1962

CHAPTER I: LAND OF DIVERSITY

page 1: paragraph 1: There are now 49 other states: Alaska was admitted to the Union in 1958, Hawaii admitted in 1959.

page 1: paragraph 4: Though the state boasts a population of over 5 million people, much of Florida is still wilderness. Away from its populated areas Florida is a land of forbidding and empty wilds. Hundreds of miles along the Gulf of Mexico are so inaccessible they are seldom seen except from aircraft. Other than Cedar Key and a few settlements the entire coastline for 200 miles south of Tallahassee to North of Clearwater is undeveloped. Many of the Ten Thousand Islands south of Fort Myers are still unsurveyed. And there are the Everglades where seldom visited "islands" grow up through seas of sawgrass.

page 2: paragraph 4: . . . held back the development of the then southernmost state. The admission of Hawaii in 1959 gives that new state the distinction of "southernmost."

page 3: paragraph 2: These beginnings foreshadowed the rapid development of the state in the past sixty years. An index of Florida's most recent growth is illustrated in the most recent census tables: 1950 - 2,771,000; 1960 - 4,951,560; 1962 - estimated 5,500,000. From 1950 to 1960 Florida made the greatest percentage gain of any state: 78.7%. New residents are settling in Florida at the rate of almost 3,000 each week-- if the present rate continues Florida will have close to 7,000,000 residents in 1970. Since 1930, Florida has experienced a population growth of 4,000,000 persons, a greater percentage gain than any other state -- Florida ranked as 10th state in the Union in population in 1960, and in 1962 ranks as 9th!

page 3: paragraph 3: From 1940 to 1950, eighteen (18) counties in Florida lost population; from 1950 to 1960, thirteen (13) counties lost population; and in the overall period 1940 to 1960, twelve counties lost population. In addition, six (6) counties (Franklin, Walton, Sumter, Glades, Bradford, and Dixie) gained less than a thousand (1,000) persons from 1950 to 1960.

page 3: paragraph 4: The six (6) largest counties have more than half of the state's population; the five (5) largest--Dade, 935,047, Duval, 455,411, Hillsborough, 397,788, Pinellas, 374,665, and Broward, 333,947 have almost half of the state's total. But during the years of the decade while large numbers were moving into the heavily populated areas, others were leaving the rural agricultural counties in several sections of the state. Although Florida's rural population gained 35 percent from 1950 to 1960 (while urban population grew three times faster), forty-five of the state's counties still have a greater rural population than urban population.

page 4: paragraph 1. By census classification, Florida's population was 55 percent urban in 1940, 65 percent urban in 1959, and 74 percent urban in 1960. Yet Florida has a relatively low population density; about 91 persons to the square mile, compared with 233 in Ohio or 750 in Rhode Island. Yet among the ten largest states, which include Florida, the 1960 census shows that Florida with 73.9 had a higher proportion of urban population than Pennsylvania, 71.6 percent, Ohio, 73.4 percent, and Michigan, 73.4 percent. There were 179 urban places of 2,500 or more in Florida in 1960, the largest of which was Miami, with 291,688 residents. Most of Florida's urban growth has been in "suburbia" as almost two-fifths of the urban residents live adjacent to, but outside the corporate limits of the cities. Florida has a higher proportion living in urban fringe areas than does Pennsylvania or New York, suburb and city have grown together, hence there have been no dense urban masses to unpile. Florida urbanization has been primarily residential with industry and commerce secondary factors in urban growth. Thus, it seems significant that Metropolitan Dade County has been the scene of the first major effort to develop urban government for a unit greater than the traditional corporate limits of the central city.

Since 1900 the trend of population growth has shown changes gravitating toward the ten largest counties wherein heavily populated urban areas have developed around the leading cities. In this manner there have developed distinct metropolitan districts around Miami, Jacksonville, Tampa, St. Petersburg, Orlando, Daytona Beach, West Palm Beach and Pensacola. Indicative of this trend are the percentage changes in Florida from 1940 to 1960: metropolitan areas increased 125 percent in population; non-metropolitan areas increased less than 70 per cent. Dade County with a population of 935,047 and adjacent Broward County with 333,946 showed that the Miami Metropolitan area--with more than fifty incorporated municipalities--tripled in population from 1940 to 1960. These trends of metropolitan growth are continuing in the other metropolitan areas of Florida.

More than half of the population of Florida has migrated from other states or nations, though the number of foreign born residents is very low. The Negro population--numbering 880,186 in 1960--, is gaining in numbers but dropping in percent of the total. The proportion of Negroes in 1950 was 21.7 percent, in 1960 the percentage had dropped to 17.9 percent. There are 2,504 Indians in Florida and 4,989 persons of other races.

page 4: paragraph 2: The people-land ratio in Florida is low in comparison with many other states and nations as Floridians have never settled or used land intensively. The only intensive use of land is largely in urban areas, citrus groves and vegetable farms or about seven percent of the state's total. More than 4.1 million acres, or twelve percent of the state's land was not available for the production of agricultural or forest products: 1.1 million acres was in urban areas and 3 million acres was in public parks and forests and military establishments. By 1975, urban areas may occupy 2.4 million acres or twice the amount presently occupied.

page 4: paragraph 4: Of the 30.6 million acres of land available for agriculture and forestry in Florida over half is in forest and woodland, 21.4 percent is in pasture and cattle range, 8.5 percent in cropland and 11 percent in miscellaneous usage. Roughly ninety percent of the land is privately owned; most of the publicly owned land is in national and state forests and parks, and military establishments.

Forest and woodland in 1962 occupied 16.5 million acres of which more than half is owned by individual farmers; Florida is one of two states with more than 5 million acres of tree farms. While the pine species dominate throughout the state, the hardwoods species are increasing. Half of the forest lands are rated good or fair for rapid growth of saw timber and the remainder may be used for pulpwood and local lumber markets. Over two-thirds of the forest land is under organized fire protection and a third of all forest land needs replanting. However, there is now a favorable timber balance; more timber is being grown than is being cut for present use.

page 5: paragraph 1: From 1942 to 1962, thousands of acres of crop land, grove land and pasturage have been provided with irrigation facilities; by 1962 nearly 25,000 water control systems were installed, sufficient to irrigate a million acres of cultivated land with water in lieu of rainfall. During rain deficient months of 1961 irrigation costs for citrus groves were more than \$10 million. This was in contrast with the more than eighty drainage districts organized in the years after 1900 to drain excess waters from Florida lands. For many decades flood control measures and surface drainage to improve swamp and overflowed lands channeled most of the then surplus waters to the rivers and the seas. The result through the years has been a serious depletion of the ground water supplies when periods of reduced rainfall and irrigation demands coincide.

page 5: paragraph: 3: In 1962, Florida's economy stands largely on four legs; agriculture, manufacturing or industry, government payments, and most important, tourism. The common denominator of all four remains the equable weather. The weather draws the tourists and the retirees, many of whom remain or return as residents later.

There are an estimated 800,000 retirees in Florida. Their combined income approaches \$300 million a year. From 1950 to 1960 some 250,000 persons over 65 moved to Florida, nearly half of all elderly persons moving across state lines in the nation came to this state. This migration moved Florida from twentieth position to fifth in the number of elderly people. In 1960, these retired citizens received \$235 million from Social Security and \$36.6 million in old age assistance payments; income from private sources is unknown although the State Development Commission estimates that civilian retirees income averaged \$354 a month and military retirees \$429 a month in 1961. The number of Florida residents receiving welfare payments dropped almost 17 percent in the 1950's, while the number receiving Social Security payments increased 540 percent.

In an exposition on "Florida's Expanding Economy," Dr. John N. Webb (Economic Leaflets, March 1962) has written that: "The idea that resources for good living can be dynamic factors in economic development is epitomized in two advertisements . . . The Martin-Orlando Company in advertising for personnel proclaims: 'Our engineers enjoy Florida's climate 52 weeks in the year.

The amenities of life are being offered openly as fringe benefits to attract key men that are in very short supply . . . The other example requires some tolerance of the punster in public print: "The fun never sets in Port Lauderdale."

"These are small indicators of one set of forces at work in Florida's expanding economy . . . Between 1950 and 1960, the population of Florida increased about 2.2 million, some 1.6 million were individuals who had moved here from another state and were a net gain to Florida. They came here bringing their personal wealth and their personal abilities to create wealth through work, at no cost to the state. What effect did they have on the economy? . . .

"Average family size in 1960 was slightly over 3 persons; so the 1.6 million newcomers represented about 500,000 new families. Average family income reported in 1960 was about \$4,700; and 500,000 families times \$4,700 produces a total of \$2,350,000,000 that Florida gained from the economic activities of its new citizens. And this is a minimum that does not include the enhancement of values-- public and private-- that arise from a better adaptation of population to environment. Moreover, this gain in income and wealth is a direct result of Florida's natural attraction for people from other areas."

page 5: paragraph 4: Estimates of income in the tourist industry run as high as \$2.5 billion - 13 million tourists in 1962; in 1960, 10.8 million tourists were said to have spent an average of \$8.80 per day for 20 days or almost \$172.00 each. In 1962, the State Hotel Commission reported that there were 1,319 licensed hotels with some 90,500 rental units, and 5,727 motels licensed, with an increase of 1,300 more rental units, than in 1961. By 1962, 80 percent of the visitors traveled by automobile, 14 percent by airplane, and three percent each as passengers on railroads or buses.

page 5: paragraph 5: Contributing to the agricultural economy, citrus production in Florida is now one-third of the world crop; and underlining agriculture's place is the fact that the state has stood near the top of all states in fertilizer consumption, and is the number one state in the manufacture of fertilizers. Vegetable production in Florida represents 11 percent of the national total, while income from livestock production has risen from \$24 million in 1939 to \$200 million in 1960. The canceling of the Cuban sugar quota has resulted in the expansion of sugar acreage of 55,000 acres in 1960 to an expected 140,000 acres in 1963 and from three sugar mills employing 3,000 persons to twelve sugar mills with from 12,000 to 15,000 employees.

page 5: paragraph 6: Manufacturing did not become significant in the Florida economy until the advent of World War II when several large defense plants were placed in operation. Development of manufacturing has since been spurred by the movement of capital into food processing plants, electronics and associated missile industries, and pulp and paper mills. Thus, Florida has attracted 177 electronic plants with over 20,000 employees and payrolls exceeding \$100 million. Florida's industrial gains during 1961 were 692 plants and major expansions which provided more than 20,000 new jobs. Pulpwood production in 1961 reached 2,060,000 cords or 12 per cent more than in 1960. At the end of the fifties manufacturing increased by 78 per cent in value added to finished products, 80 per cent in payrolls, and 40 per cent in number of employees, but the Florida production remains a very small part of the national total. In order to attract new industry to the state observers suggest that communities should be allowed to use public money to attract new plants,

these observers state that Florida's competitive position in the fight for new industry is weakened because court decisions in Florida have largely prohibited public bond issues to build industrial facilities.

Annual Rate of Increase in Three Expansion Periods

	<u>1949-53</u>	<u>1954-57</u>	<u>1958-60</u>
Personal Income	11.7	14.2	9.2
Nonfarm Employment	7.0	10.0	6.9
Manufacturing Employment	8.4	8.0	9.3
Department Store Sales	9.2	13.2	10.2
Bank Debits	14.9	19.5	10.6

These figures, furnished by the Federal Reserve Bank of Atlanta, caused that institution to state: "Looking at the long-term future, there are several expansionary forces at work. If paid vacations continue to become increasingly common, growing numbers of ordinary citizens may find a Florida vacation within their means...

"The spread of private pension plans, in the future as in the past, should enable more people to move to Florida when they retire. Moreover, the retirees who do move there seem to be better off financially than they used to be.... Then, of course, there is the expansion at Cape Canaveral. The space-launching site is to be enlarged by about four times its present size, and the Federal Government plans to spend many millions of dollars for the construction of new facilities. This expansion may well stimulate further growth of manufacturing connected with missile development."

page 6: paragraph 1: Personal income received by Floridians rose from \$753 million in 1929 to \$8,481 million in 1958 and \$9,938 million in 1960; personal income per capita in 1960 was \$1,988. In the years 1957-1960 Florida moved from 20th among the states to 12th in total income received. Both over the long span since 1929, as well as in the more recent post-war period, Florida ranks number one with regard to relative gain in the size of market expansion.

Approximately 1.3 million of the 5 million persons in Florida are presently engaged in gainful employment. Of these, 210,000 are employed in service industries and 228,000 are employed by federal, state, and local governments. In order to keep pace with a probable population growth of 7 to 7.50 million by 1970, some 70,000 new jobs must be opened annually. From 1950 to 1960, manufacturing employment increased 102 per cent compared with a population increase of almost 79 per cent.

Total personal income in 1960 was \$9,938,000,000 divided as follows: net wages and salaries, \$5,811,000,000 or 58.6%, other labor income, \$174,000,000 or 1.6%, proprietor's income, 1,439,000,000 or 14.5%, property income, \$1,673,000,000 or 16.8%, and, transfer payments, \$841,000,000 or 8.5%. total civilian production income in 1960 was \$7,259,000,000 divided as follows: manufacturing, 13.7%, agriculture, 6.3%, mining and fisheries, 0.8%, construction, 10.8%, transportation, communications, and utilities, 7.8%, retail and wholesale trades, 23.5%, service trades and professions, 16.2%, governmental civilian wages and salaries, 12.8%, and, other private industry, 0.3%.

Since wages and salaries, proprietor's income, property income, and transfer payments loom large in the Florida economy, efforts to increase these would return further dividends. Florida's resources for good living must be further developed: nearly 80 per cent of Florida's total employment is found in servicing industries or servicing activities--this would indicate the need for further stimulation of tourism and the relocation of retirees.

Deposits in Florida's 322 commercial banks totalled \$5.3 billion in 1962, an 8 percent increase over 1961, and up 17 percent from 1959. Since 1959, a total of 42 new banks have been established in Florida, 13 of these during 1961. Assets of all Florida banks totalled \$5.8 billion, 8 percent more than 1961 and 19 percent up from 1959.

One Floridian in every 10 owns part of a corporation as there were 522,000 stockholders in the state, a number that has increased 40 percent since 1959 and 67 percent since 1956.

Gross sales on which Florida collected its sales tax during fiscal 1961-1962 totalled nearly \$15 billion, and this was an increase of 6.8 percent over the previous year. Florida's gain in property assessment values for state and local taxation was greatest of any state during the 1950's: Assessed valuation in the state more than doubled -- the rise was 119.7 percent for total valuation and 121.6 percent for locally assessed properties, highest rate of advance in the nation. Florida went from 12th to 7th place nationally in both categories. Gross assessments in 1961 were \$15,197 million; state government assessments were \$134 million, the remainder was on local government books.

page 6: paragraphs 3: Public roads and streets have a total length of more than 70,000 miles in 1962: of this figure county roads comprise 38,000 miles, state roads and city streets the remainder. The open highways connect over 2,500 communities and provide interurban roads for 2,700,000 vehicles of Florida registration and untold thousands of out-of-state vehicles. In order to increase traffic flow and highway safety the state has built or is building some 1,000 miles of four-lane roads, but highway authorities state that Florida is twenty years and a billion dollars behind in road construction. A state turnpike or toll road, the Sunshine State Parkway, has been built 110 miles from North Miami to Fort Pierce, and is under construction and scheduled for opening in 1963 from Fort Pierce to Wildwood, about 152 miles.

In 1956, the United States Congress recognized that automobile traffic flow and road construction were national problems with the establishment of the federal Interstate highway program to connect all of the major population centers with limited access four and six lane roads. Florida is one of 16 states allotted more than 1,000 miles of Interstate highways. When the job is finished the four Interstate highways assigned to Florida will comprise 1,136 miles of multiple-laned, limited access roads. Interstate 95 will enter Florida through Jacksonville and continue along the east coast to Miami; Interstate 4 will cross from Daytona Beach to St. Petersburg; Interstate 75 will run from the Georgia line south through Lake City and Ocala and west to Interstate 4; Interstate 10 will run east from the Alabama line through Pensacola to Jacksonville Beach. When completed the Interstate System in Florida will have cost nearly \$1 billion, of which almost \$100 million will be State money, the remainder Federal money. At the close of 1962 about 164 miles of this limited access highway system has been finished, with another 360 miles under construction.

page 6: paragraph 4: There are now 151 airports in Florida of which 97 are in general use; 54 airports are either for military usage or are not sufficiently equipped for general usage. The Miami International Airport handles 3,000,000 passengers a year with more direct connection to air hubs in the United States than either Boston or San Francisco. The Miami airport also serves as the major point of air egress and ingress from the Latin American nations of Central and South America as well as the islands of the Caribbean.

page 6: paragraph 2: Speed of travel between New York and Miami has advanced to more than 400 miles per hour on the jet airlines of the major air transport services.

page 7: paragraph 1: At the close of 1962, the Florida State Chamber of Commerce announced that Florida had edged Massachusetts to take ninth place in the U. S. population race just behind New Jersey: "Florida's 10.3 percent gain since 1960 resulted in 508,000 new residents to boost the state's population to 5,459,000 as of July 1, 1962. This growth represents the fastest rate of increase of any large state and far above the national increase of 3.6 percent. The state is gaining 2,836 residents per week from migration from other states, plus an additional net increase of 1,260 persons due to births over the death rate, for a weekly population gain of 4,096."

In a study released by the National Planning Association in December, 1962, it was predicted that Florida will gain more than 3,000,000 persons by 1976. The Association believes that Florida's population in 1976 will be near 8.2 million whereas study further predicted that the annual income of the average Floridian will be \$2,920 in 1976.

page 7: paragraph 2: Mention has been made of the growth trend in Florida whereby new residents tend to swell the population of urban counties while rural counties tend to lose population. Fourteen counties, all but one south of Ocala and Marion County, gained more than 100 percent in population from 1950 to 1960, led by Brevard County (Titusville, Cocoa, Melbourne) with a 370 percent increase and followed by Broward County with a 298 percent increase. In 1960 almost two-thirds of Florida's population and 70 percent of the state's personal income were located in eight major urban counties: Broward, Dade, Duval, Escambia, Hillsborough, Orange, Palm Beach, and Pinellas.

page 8: paragraph 2: Cf. page 5, paragraph 1, this Appendix. Florida gets an average of 53 inches of rainfall yearly-- much more than most states--yet there is concern over the fresh water supply. Water authorities agree that 40 billions of water run daily into the sea from Florida, which means that for every gallon of water consumed, five gallons escape; the available water supply is 48.79 billion gallons daily, according to the State Conservation Department, which estimates requirements by 2000 A.D. will be only 17.96 gallons daily as opposed to a daily need of 1.82 billion gallons daily in 1900.

page 8: paragraph 4: Because the average income of families in the Southeastern region of the United States is lower than the national average the quality of housing that southern families can afford is also lower. Since the average income of nonwhites tends to be less than that of whites, it is not surprising that in 1960 one of four nonwhite families resided in a unit classified as dilapidated in the Southeast compared to one of 23 white families. The proportion of dilapidated units to total occupied dwellings in the Southeast ranged from 13.6 in Mississippi to 4.8 percent in Florida.

One of Florida's unsolved problems in the area of social resources involves the migratory laborers who move about the state and region performing seasonal farm jobs mainly harvesting perishable farm crops such as beans, tomatoes, citrus fruits and sugar cane.

In the years of 1958, 1959, and 1960 there were 35,400, 54,400 and 54,500 migratory laborers in Florida whose average annual earnings are under \$700 a year, much less than half the state's average annual per capita income. Most of them are uneducated former farm tenants who have been displaced by farm consolidation and mechanization.

page 8: paragraph 5: Florida's public school enrollment is increasing at twice the national average and is increasing more rapidly than the construction of buildings to house the ever-growing enrollments. Public school enrollment in 1962 was 1,088,948, an increase of 63,427 or 6.18 percent more than at the outset of the school year in 1961, compared to the national average of 3.1 percent. Florida now ranks ninth in the nation in public school enrollment.

In 1961-1962, 2,310 additional classrooms were provided as 335 were abandoned, for a net gain of 1,975. There is an immediate need for 2,494 more class rooms for excess enrollments and another 1,971 to replace obsolete facilities, a backlog of 4,465 classrooms. An estimated 1,759 new classrooms will be completed during 1962-1963. There were 22,110 pupils on "double sessions" in 14 counties as compared with 40,703 in 14 counties in 1961-1962. Double sessions were eliminated in Escambia, Hillsborough, Orange, and Palm Beach counties, but added in Brevard, Dade, Marion, and Volusia counties. Only 321 of the state's 41,727 teachers have teaching certificates based on less than four years of college.

Expenditures for all public education in Florida amounted to \$461.3 million in 1960, a per capita expenditure of \$92 compared to the national average of \$104. Thirty-four states had a higher per capita expenditure for public education than did Florida in 1961. Florida state institutions of higher learning received \$60.8 million, public school received \$388.9 millions, and \$11.6 millions went to the support of schools for the handicapped and for state supervision of local schools. The average salary per instructor in Florida in 1958 was \$4,971 compared with the national average of \$4,703, but the average per pupil expenditure in Florida was \$306.54 as compared with the national average of \$341.05; per pupil expenditures in 1958 varied from a low of \$175 per year in Mississippi to a high of \$524 in Alaska and \$507 in New York State.

In 1962, Florida's 29 public junior or community colleges reported a record fall enrollment of 38,209 persons, a gain of 8,716 over 1961.; the total increase over the year was 29.1 percent. Four new junior colleges were opened in 1962; Edison at Fort Myers, Lake-Sumter and Johnson at Leesburg, and Lake City Junior College and Forest Ranger School at Lake City. Dade County Junior College, in its third year of operation in 1962 is the largest junior college in the Southeast with an enrollment of 6,138, St. Petersburg Junior College, the oldest in the State, had an enrollment of 5,022 students. The present junior college program provides junior college opportunities within commuting distance of 63 percent of the state's population, long-range planning includes a junior college within commuting distance of 99 percent of the population of the state.

Half of the colleges or universities started in the United States in 1960 were in Florida-- these included Florida Presbyterian College at St. Petersburg and the University of South Florida at Tampa.

Florida Atlantic University has begun construction at Boca Raton and will open to students in 1964, and a new four-year state university has been recommended for construction in the Pensacola area by 1970; it is believed that the Pensacola institution would draw 4,500 students from Florida and more than 1,000 students from elsewhere. The Pensacola institution would give Florida 6 institutions of higher learning supported by the state: Gainesville, two at Tallahassee, Boca Raton, Pensacola, and Tampa.

CHAPTER II: CONSTITUTIONAL BASES OF GOVERNMENT

page 10: paragraph 1: Whereas England operates under an "unwritten constitution" composed of charters, bills, and statutes, the United States and the fifty states possess governments founded on written documents.

page 11: paragraph 5: For additional information on the Constitutions of 1868 and 1885, see: Eldridge R. Collins, "The Florida Constitution of 1885," (Unpublished Master's thesis, University of Florida Library, 1939) and E. C. Williamson, "The Constitutional Convention of 1885," Florida Historical Quarterly, October, 1962, pages 116-126.

page 12: paragraph 1: Judges of the Circuit Courts and a State Attorney for each Circuit remained appointive by the Governor until provisions for their election by the voters of the Circuits were made by constitutional amendment in 1948. By practice, Assistant State Attorneys remain as appointive posts to be filled by the Governor when vacancies occur.

page 12: paragraph 3: The document is over 75 years old and has been amended over 120 times. Its present form, two-thirds of which has been added by amendment since 1885, is

page 13: paragraph 2: The Legislature is no longer required to provide for a State Census and shall use the last preceding Federal Census beginning in 1950; this amendment added or adopted in 1950.

page 14: paragraph 2: The constitution has been changed many times since 1837: 155 amendments have been proposed and 125 of these proposed amendments have been ratified by the voters and added to the document of 1885. Two amendments were proposed in 1958, one was ratified by the voters. One amendment, dealing with reapportionment was proposed at a special election in 1959 and was defeated by the electorate; six amendments were proposed at the 1960 election and five were ratified by the electorate; nine amendments were proposed in 1962; of these nine proposals, eight were adopted by the voters at the General Election of that year. The record of ratifications by the voters has been roughly two out of every three amendments proposed by the Legislature.

page 15: paragraph 4: The present population of Florida approaches 5.5 million, of whom three-fourths reside in urban areas. But the constitution, as written in 1885, continues to provide a 75 year old organization for many state, county, and city governments. The annual disbursements of the state government alone are now over \$1,286,000,000 each year!

page 18: paragraph 1: The 37 member Constitutional Advisory Commission, created by the Legislature of 1955, completed a Revised Florida Constitution, of 14 articles, which was submitted to the 1957 Florida Legislature. This Legislature made a number of changes to the Commission's document, and by a proper majority, submitted the revised constitution in 14 articles to the voters at the General Election of 1958. However, the Florida Supreme Court ruled that the proposed amendments would be unconstitutional, even if adopted by the voters, since the 1957 Legislature had stipulated that if one article failed of approval, all articles failed. This decision of the Supreme Court thus ruled "void" the so-called "daisy chain" methods of securing a revised constitution. Students of both the Advisory Commission's work and that of the subsequent 1957 Legislature are generally agreed that the revised documents did little more than correct errors of fact and grammar that appeared in the existing Constitution of 1885, as amended, 1890 to 1956.

page 21: paragraph 2: In 1961-1962, the State of Florida received \$155,991,486.68 in aids and donations from the United States Government.

page 22: paragraph 4: Within recent years arguments between Georgia officials and Florida officials have continued. When officials of the Florida Department of Agriculture's Meat Inspection Service sought to inspect and tag Georgia chickens being shipped into Florida, Georgia agricultural officials retaliated by declaring an embargo on fresh Florida citrus products being shipped into or through Georgia. Usually these, and similar differences, are quickly settled.

CHAPTER III: THE ELECTORAL PROCESS

page 23: paragraph 3: Florida places restrictions of the exercise of suffrage that are similar to those of most of the other forty-nine states.

page 24: paragraph 1: Under legislation, passed subsequent to 1951, the permanent system of the registration of voters will be in effect in the 67 counties in 1966. The Supervisors of Registration, under current statutes, are required to purge the county election rolls after each General Election of the names of the voters who have NOT voted in the immediate past two General Elections. Thus, if a registered voter votes in the General Elections once every four years the name of the voter will be carried on the registration rolls.

page 24: paragraphs 2-5: now modified by legislation as noted in the preceding note.

page 24: paragraph 6: According to Section 10, Article XII, Constitution of 1885, as amended, a freeholder may be defined as a qualified elector that pays a tax on real, or personal property.

page 25: paragraph 2: While nomination in the Democratic primaries in many Florida counties is still tantamount to election, the state has voted in the last three presidential elections for the Republican candidates; has returned a Republican congressman four times; has seen the number of registered Republicans surpass the number of registered Democrats in Sarasota County; and has witnessed the election of Republican candidates to most of the county positions in Pinellas County.

page 30: paragraph 2: The amendment referred to was adopted; the statutes now provide for the absentee registration and voting of electors who are members of the armed forces, and their spouses, living outside the territorial limits of the State of Florida.

CHAPTER IV: PARTIES AND POLITICS

page 35: paragraph 4: There were 2,052,134 voters eligible to vote in the November, 1962 General Election in Florida: of this number there were 1,668,206 Democrats, 360,274 Republicans, and 23,654 independents, thus Democrats can still outvote Republicans 4-1. Negro registration was 191,663, most of whom were Democrats; Lafayette and Liberty counties were without a single registered Negro voter. Sarasota was the only county with more Republicans than Democrats: 18,163 to 17,319; Pinellas County reported 101,533 Democrats to 91,831 Republicans. Dade County reported the largest registration with 408,903, followed by Pinellas, 198,456, Broward, 157,348, Hillsborough, 147,640, Duval, 147,369, Palm Beach, 98,147, Orange, 89,323, Polk, 72,134, Escambia, 63,368, and Volusia, 60,066. There were 26 counties with 1,000 or more Republicans; five counties reported no Republican voters.

The rise of Republican voter registration is a great change in the last decade: Republican registration has more than quadrupled from 1952 to 1962: 88,000 to 360,000. However, in the same period, Democratic registration rose from 1,119,000 to 1,668,000. In the general elections many Democrats have crossed the party line to vote for a Republican candidate; thus, in 1960, George Peterson, the Republican nominee for governor polled 569,000 votes against the Democratic nominee, Farris Bryant--nearly twice as many votes that the Republicans had registered voters and more than 40 percent of the total votes cast in the 1960 race for the governorship.

page 37: paragraph 1: Note should be made that the six administrative officials provided for in the Constitution are, in effect, six additional governors of Florida. These officials are elected independently of the governor and are usually reelected term after term. Along with the governor the seven officials are popularly known as "the Cabinet" although the student should carefully observe that the word CABINET does NOT appear in the Constitution of 1885 nor in ANY of the amendments thereto!

Further note should be made that these six lesser administrative officials have far more power in the areas of their individual concern than usually accrues from serving on numerous constitutional and/or statutory ex officio boards along with the governor. Thus, the Comptroller is, first, the major collector of state taxes, the solitary commissioner of all state banks, the sole supervisor of all lending and mortgage banking institutions in the state, charged with the control of all liquid gas dispensing agents, and numerous other duties. The same situation exists for the five other administrative officials, and the governor as chief executive has no constitutional and little statutory control over them, other than the effects of his personal prestige.

page 44: paragraph 4: From data supplied by the Secretary of State the expenditures of the six leading Democratic candidates for the gubernatorial nomination in the Primary Elections of 1960 were: Carlton (Doyle, Jr.) \$718,291, Bryant (Farris), \$768,443, Dickinson (F.O. Jr.) \$169,655, McCarty (John) \$210,307, David (Thomas E. "Ted") \$123,179, and Burns (Haydon) \$164,943. Florida Trend in June, 1960, reported that the candidates' expenditures by vote the First Primary Election were: Carlton: 186,228 votes and \$2.53 per vote; Bryant, 193,507 and \$2.27 per vote; Dickinson, 115,520 and \$1.53; McCarty, 144,750 and \$1.48; David, 80,057 and \$1.46; and, Burns, 166,352 and \$1.03 per vote.

page 44: paragraph 6: The point can be argued that many Republicans register as Democrats to have an effective voice in state and local primaries, but the mere fact that this occurs suggests the overwhelming Democratic power, and deters effective party organization. Little doubt exists that a capacity for Republican leadership has increased, but this capacity is NOT enough to meet the needs of a strong political party.

In the 1960 elections the Republicans made no gain in state senatorial contests, reelecting a single senator from Pinellas County; of the 95 house seats up for reelection the Republicans offered 17 candidates, winning seven. Three of these House seats had been previously held in Pinellas County. The gain of four seats was made in Charlotte, Orange, and Sarasota counties, which may now be recognized as points of increasing Republican strength in local elections.

The primary elections of 1960 were significant in several aspects; (1) a repudiation of the "moderate" conservative administration of Governor LeRoy Collins, (2) a widening sphere of legislative influence within the executive branch, (3) an atomized political structure in South Florida, and (4) a general trend toward economic and social conservatism in Florida. For further discussion on this, see J. E. Dovell and Arnold C. Ettinger, "The 1960 Gubernatorial Elections in Florida--A Trend Toward Conservatism." Florida's Business, Vol. VIII, No. 1, January, 1962, pages 1-6.

CHAPTER V: THE FLORIDA LEGISLATURE

page 46: paragraph 1: In 1962, in only 18 states are the legislatures required to meet annually. In the remaining 38 states, the legislatures meet in regular session biennially.

page 48: paragraph 3: Florida is one of 49 states using the bicameral or two-house legislative system; Nebraska remains the only state with a unicameral or one-house legislature.

page 49: paragraph 4: Florida has had 21 special sessions of the Legislature to tackle a variety of problems ranging from yellow fever to prohibition, but no subject has occupied more special-session time than reapportionment of the members of its own body. Of the 21 sessions since 1845, more than half have been called in the last thirty years--five of these special sessions have dealt with reapportionment, consuming in all a total of almost 150 days in addition to the regular sessions of the lawmakers. Two full 20-day special sessions dealing with reapportionment were held in 1962, one in August and the other in November. Nineteen of the special sessions have been held on the call of the governor; in 1957, the Legislature called itself into special session for eight days to revise the Constitution and consider new taxes.

page 50: paragraph 3: Oregon now pays members of its legislature \$1200 annually, while Tennessee pays its legislators \$10 a day while the legislature is in session. New Hampshire still remunerates its legislators at the rate of \$200 for a two-year term. In other states salaries and allowances run from \$5 a day in Kansas and Rhode Island to \$15,000 a year in Illinois, and New York, beginning in 1963 annual salaries for members of the legislature in New York will rise to \$20,000 annually.

page 51: paragraph 3: The turnover of legislative personnel in the House of Representatives in the Florida Legislature varies from 30 percent to 40 percent from session to session. The turnover of personnel in the Senate varies from 20 percent to 30 percent from session to session. Several of the multiple county senatorial districts use a "local ground rule" whereby the seat is rotated so that if the senator from one of the counties within the district has completed a four-years term he relinquishes his seat to the resident of another county in the district.

page 52: paragraph 3: Problems revolving around the apportionment of legislators in state legislatures have resulted mainly from urban growth at the expense of rural areas: over half of the 50 states have had difficulty in keeping apportionment in line with population changes. Historically, the United States courts have refused to take jurisdiction in cases involving state reapportionment, but on March 26, 1962, the federal Supreme Court delivered its opinion in Baker v. Carr (a suit involving reapportionment in Tennessee) that the Federal courts could consider suits of this nature. On July 23, 1962, the United States Court in Miami, Florida declared the present status and the Constitution of Florida on the subject of reapportionment to be "prospectively null, void, and inoperative" and expressed the opinion that the reapportionment amendment proposed by the 1961 Legislature was also invalid. The Court granted the Legislature until August 13, 1962, to commence action on reapportionment. The following day Governor Farris Bryant issued a call for a special session; the special session convened on August 1 and met through August 11th. An amend-

ment proposing a legislature of 46 senators and 135 representatives was agreed upon by the Legislature, and was approved on September 5th when the Federal Court at Miami filed its opinion upholding the work of the Special Session. However, the amendment was defeated by the voters of the State at the General Election on November 6, 1962. Following the General Election on November 6, Governor Bryant again called the Legislature into special session to reconsider reapportionment. This extra session lasted the full 20 days and developed little more than frustration and charges that grew more bitter as deadlocks between Senate factions and between the Senate and House developed. The reapportionment problem reverted to the three-member Federal Court at Miami.

The reapportionment problem is not peculiar to Florida: in 44 states less than 40 percent of the people can elect a majority of the state legislature. In 13 states, one-third or less of the population can elect a majority of both houses of the legislature. Only six states have so apportioned seats that it requires 40 percent or more of the population to elect a majority of the legislators in both houses. Twenty other states have one house in which it requires 40 percent or more to elect a majority. But in six of these states a majority in the other body can be elected by 25 percent or less of the population.

page 53: paragraph 1: The extent of the disparity between the Florida counties is accentuated further in the 1960 census returns; whereas in 1950 a majority of the state's population resided in six counties, in 1960 a majority of the state's population resided in FIVE counties. Some 70 per cent of the state's population growth in this decade took place in the ten largest counties -- statistics have already been cited to show that 18 Florida counties lost population from 1940 to 1959, that thirteen of these counties continued to lose population from 1950 to 1960, and that twelve counties lost population from 1940 to 1950 and that the gains in six more counties from 1950 to 1960 was less than 1,000 persons. Under the present system of apportionment, adopted in 1925, whereby county lines form the basis of the unit of representation in both houses of the Legislature there appears little likelihood that practical apportionment using present population figures will ever be secured through legislative apportionment. There is every indication that the 57 smaller counties in population with only some 30 per cent of the present state population will accede to NO change in that situation recognized as the STATUS QUO.

page 53: paragraph 2: Dade County has three members in Florida's lower house and one member in its upper house. The 37 predominantly rural Florida counties have 37 members in the lower house and the equivalent of 14.15 members in the upper house -- there is no need to make any further comment on malapportionment in the Florida Legislature under the system in effect under present constitutional provisions.

page 53: paragraph 3: In 1955, an amendment calling for 67 senators and 135 representatives was defeated by the voters at the 1956 general election. In 1957, an amendment calling for 45 senators and 103 representatives was proposed by the Legislature but invalidated by the Florida Supreme Court when tied into a chain with other amendments. In 1959, an amendment calling for 44 senators and 103 representatives was again defeated by the voters at a special election held in 1959. In 1961, a 45 senator and 104 representative plan was proposed and was invalidated by the Federal Court at Miami. The proposal of the August, 1962, special session of the Legislature for a 46 member senate and 135 member house was likewise defeated at the general election of November 6, 1962. The November, 1962, special session on apportionment ended in deadlock.

page 57: paragraph 1: The number of standing committees in the House of Representatives varies from session to session, the average being 54; the total membership of the House committees approximates 600 with an average of about six assignments per member. The number of standing committees in the Senate is 39; the total membership of the Senate committees approximates 380 with an average of ten committee assignments for each member.

page 63: paragraph 1: Beginning in 1958, the president of the Senate has not been chosen by his fellow senators until after the General Elections. Thus, the president of the Senate of the 1959, 1961, and 1963 sessions has been elected by the fall membership after the general election choosing each of these three senates.

Add to Chapter V: Further Readings (at end of Chap. 5)

Havard, William C., and Beth, Loren P. The Politics of Mis-Representation: Rural-Urban Conflict in the Florida Legislature. Baton Rouge, Louisiana State Univ. Press, 1962.

Dovell, J. E. and Ettinger, Arnold C. "The 1960 Gubernatorial Elections in Florida: A Trend Toward Conservatism." Florida's Business, Vol. VIII, No. 1, January, 1962, pages 1-6.

CHAPTER VI: THE EXECUTIVE BRANCH:

page 70: paragraph 3: The Governor receives a salary of \$22,500.

page 71: paragraph 1: The constitution empowers the governor to "adjourn the legislature" when the two houses cannot agree--this power was used by Governor LeRoy Collins to adjourn the special session of the 1957 Legislature when he felt the two houses could not agree on a time of adjournment in August, 1957.

page 71: paragraph 5: Florida is one of forty-one states that gives the item veto to governors on the state's appropriations bills.

page 75: paragraph 3: Salaries of cabinet members have been raised to \$17,500 annually.

page 75: paragraph 4: This refers to former Secretary of State Robert A. Gray, who retired after serving over 30 years in this office. Former State Senator Tom Adams of Orange Park was elected Secretary of State and assumed the office in 1961.

CHAPTER VII: STATE SERVICES AND ACTIVITIES

page 81: paragraph 5: There are now over 150 officers, agencies, boards, commissions, et. al. operating as independent or semi-independent arms of the government of the State of Florida

page 82: paragraph 2: Annual disbursements for highway purposes by the State of Florida reached almost \$158,000,000 in 1961-1962. The State Road Department, with 6,500 employees on its payroll, is responsible for more than 10,000 miles of primary roads and bridges and almost 3,000 miles of secondary roads and bridges. The Road Department employs roughly 15 percent of all state employees and accounts for about 15 percent of the state's expenditures.

page 83: paragraph 4: One hundred and ten miles of the Sunshine State Parkway have been completed from North Miami to Fort Pierce and is open to traffic as a toll road; an extension of 152 miles from Fort Pierce to Wildwood is under construction and will be open to traffic by 1965; the last extension from Wildwood to the Georgia State Line is still in the planning stages.

page 85: paragraph 4: Within recent years there has been an increasing responsibility in the Agricultural Department for law enforcement and inspections in the sale and use of pesticides because of the increasing threats to human and animal life.

page 86: paragraph 6: Four state institutions are provided for the mentally ill: Chattahoochee, Macclenny, Arcadia, and Broward; 3 state institutions are provided for mentally retarded children in the Sunland Training Centers at Gainesville and Fort Myers for ambulant patients and at Orlando for bed patients; two more schools or training centers for mentally retarded children are planned at Marianna and in Broward or Dade County.

page 87: paragraph 5: The number of tuberculosis hospitals was reduced to two when the Orlando public institution was released by the Tuberculosis Board to the State and turned over to the Sunland Training Center there.

page 89: paragraph 1: There are currently 29 such institutions in operation; plans have already been laid for the addition of five more such institutions. Responsibility for the junior college program is divided between Advisory Committees for each college or group of colleges, the County School Board or Boards concerned and the Community College Division of the State Department of Education. The 1959 Legislature established a state-wide Junior College Advisory Board whose duties and responsibilities remain largely advisory in capacity at this writing.

page 90: paragraph 3: The 1959 Legislature reorganized and streamlined state-sponsored assistance and programs under the Commissioner of Agriculture and the Department in his jurisdiction, see Chapter 570, Florida Statutes. The Livestock Sanitary Board and several other agencies were abolished, their activities given to the Agriculture Department.

page 92: paragraph 1: The 1961 Legislature enacted several pieces of legislation of minor importance toward reorganization, but the general questions concerning reorganization on a broader scale remain open to settlement.

CHAPTER VIII: THE JUDICIAL BRANCH

page 94: paragraph 1: Amendments subsequent to 1956 have provided for four judges in the District Court of Appeals in the First (Tallahassee) District Court and five judges each in the Second and Third District Courts at Lakeland and Miami.

page 94: paragraph 6: a felony involves punishment by death or imprisonment of more than a year in a state prison.

page 95: paragraph 4: Civil Courts of Record have been established in Dade and Duval counties, the Court in Dade has five judges and in Duval one judge. A Civil and Criminal Court of Record has been established in Pinellas County. There are Criminal Courts of Record in seven counties. Residents in other counties are encouraged to contact the Clerk of the Circuit Court of the individual county to ASCERTAIN what courts may be in existence in that county through statutory legislation, either by general acts or local acts of the Legislature.

page 96: paragraph 3: Dade County now has three county judges while Duval, Hillsborough, and Pinellas counties now have two county judges each.

page 96: paragraph 4: Under current statutes the County Judge serves as ex officio Juvenile Judge in all those counties where separate juvenile courts have not been created.

page 97: paragraph 2: By 1962, there were small claims courts in 44 counties.

page 97: paragraph 4: Justices of the peace in 17 counties and constables in 22 counties filed financial reports with the State Comptroller in 1961.

page 98: paragraph 3: There are now 14 different courts in Florida. There are 7 Supreme Court justices, 14 district Courts of Appeals judges, numerous circuit judges in the 16 circuits, the 19 judges in the Circuit Court of Dade County making that Circuit Court the largest in Florida.

page 99: paragraph 1: and the fourteen kinds of courts in the state's judicial system.

page 99: paragraph 3: With a present population of over 5,000,000 (almost 1 million in Dade County alone), there are 8,000 lawyers and a Supreme Court load of 650 cases annually.

page 100: paragraph 2: In 1961, the Judicial Council presented a program to the Legislature recommending the reorganization of the state's trial court system into four courts, a program similar to that presented in 1959 and turned down then. There was no action by the 1961 Legislature on the Council's proposals and the system remains as described.

CHAPTER IX: FINANCE AND PERSONNEL

page 103: paragraph 1: State revenues increased to almost \$1,100,000 in the fiscal year ending June 30, 1962.

page 103: paragraph 2: By 1960, its population had raised Florida to tenth in rank among the 50 states, and by 1962 Census Bureau estimates Florida became ninth in population, passing Massachusetts, which dropped to 10th.

page 103: paragraph 3: The past twenty years witnessed broadening of the state's economy. Whereas Florida's economy had rested on the big two: agriculture and tourism, these in turn gave way to the big four: tourism, agriculture, industry, and lastly government payments and retirement income, both public and private retirement income.

page 105: paragraph 2: In 1961, the gasoline tax yielded \$128,000,000. Total state revenues from taxes were \$636,828,386 in 1961-1962 fiscal year.

page 105: paragraph 3: In 1961-62, fiscal year, the state derived almost \$55,000,000 from this source.

page 105: paragraph 4: The sales tax produced almost \$182,000,000 in revenue in fiscal year 1961-62.

page 106: paragraph 1: Beverage tax collections in fiscal 1961-1962 were roughly \$52,000,000.

page 106: paragraph 2: Cigarette taxes collected in fiscal 1961-62 amounted to \$35,000,000.

page 107: paragraph 1: For fiscal year 1961-62, other state taxes collected included: motor vehicle licenses, \$55 million, unemployment compensation, \$45 million, intangible, \$27 million, insurance premium, \$11.5 million, documentary stamp, \$13 million, and estate and inheritance, \$6.3 million.

page 111: paragraph 1: As previously mentioned over \$200,000,000 is provided to the counties by the State for the support of public schools under the Minimum Foundation Program.

page 112: paragraph 1: Total municipal debt in 1959 was \$746 million. Florida cities had net debts of \$253 per capita, or 2.7 times their annual revenues.

CHAPTER X: COUNTY GOVERNMENT

page 118: paragraph 1. Reference has been made to the 1,600 General Laws and 1,300 Special Laws (or Acts) that were passed by the 1961 Legislature in a regular 60 day session (some 44 working days).

page 118: paragraph 3: Under the 1960 census county populations varied from a low of 2,868 in Gilchrist County to almost 1 million in Dade County. By 1960, slightly over fifty percent of the state's population resided in the five largest counties in population, slightly over 49 percent of the state's population resided in the other sixty-two counties. However, by 1960, there was an incorporated city in each of the sixty-seven counties.

page 118: paragraph 4: By way of further contrast, the assessed valuation of property in Union County in 1961 was \$4,655,066 whereas the valuation of property in Dade County in the same year was \$3,467,340,633. In the same year, the tax collections from property in Union County amounted to \$92,100 and to \$79,500,00 in Dade County. In 1961, from property taxes, Florida counties collected \$309,400,000 in 1960-1961.

page 119: paragraph 1: In 1961, total county expenditures amounted to \$215,924,402.65, and per capita amounted to \$43.78.

page 119: paragraph 5: In 1960-1961, Federal Assistance in the Florida School Lunch Program amounted to \$2,135,220 and Federal Aid in the School Milk Program amounted to \$1,217,315.

page 121: paragraph 4: County road expenses came to \$27,788,873 in 1960-1961. Of this sum, \$12,704,969 was spent on construction and maintenance and \$923,087 for the purchase of rights of way for new construction relating to roads. As previously noted, the State Road Department is responsible at present for over 15,000 miles of primary and secondary roads, county roads (may miles of them unpaved and even ungraded) total well over 30,000 miles in Florida.

page 120: paragraph 3: County welfare expenditures were over \$33,305,978 in the year of 1961.

page 122: paragraph 4: Welfare payments to persons on relief in Florida counties amounted to \$5,148,665 in 1961; of this sum \$2,388,343 was spent in Dade County. Significantly, in 1961, 15 counties in Florida spent less than \$15,000 each on all welfare activities whereas Dade County spent \$20,950,427 on welfare activities in the same twelve months.

page 123: paragraph 3: The disbursements for these various services in 1961 varied from a low of \$14,982 in Union County to \$13,712,774 in Dade County.

page 124: paragraph 2: Pari-mutuel (race track) distributions to counties were \$12,381,600 in 1961 or \$187,000 to each of the sixty-seven counties in the State. Other state revenue distributions to the 67 counties came to \$58,835,661 and to county schools, was \$185,156,674. Receipts from county sources came to \$211,611,191. Funds from federal sources distributed to the counties was \$2,539,432. Roughly, total income of counties in Florida in 1961 was \$419,000,000.

page 124: paragraph 3: In 1961, counties disbursed \$43,592,559 for capital outlay purposes and some \$18,000,000 for servicing county debts, exclusive of road debts. By 1961, only 26 counties still had road debts and these debts had been reduced to \$22,217,500.

CHAPTER XI: CITY GOVERNMENT

page 128: paragraph 1: According to the 1960 federal census there were 66 unincorporated places of 1,000 inhabitants or more. The growth of the urban population from 1,813 or 65 percent of the total in 1950 to 3,661,383 in 1960 was a gain of 74 percent in the decade.

page 128: paragraph 2: In 1960 of the 2,837,213 persons in incorporated places, 182,613 were in cities and towns of less than 2,500 inhabitants. Of the 281,665 persons living in unincorporated places, 60,477 were in communities of 1,000-2,500 inhabitants. The incorporated places ranged in size from Palm Beach Gardens with a population of one person to Miami with 291,688. Starting with Miami, 291,688, the 10 largest cities, in order, were: Tampa, 274,970, Jacksonville, 201,030, St. Petersburg, 181,298, Orlando, 88,135, Fort Lauderdale, 83,648, Hialeah, 66,972, Miami Beach, 63,146, Pensacola, 56,752 and, West Palm Beach, 56,208.

page 133: paragraph 3: Florida is rushing to completion urban expressway systems in five major cities in an effort to stay ahead of the traffic problems that have come with the influx of more people and more automobiles. Limited-access highways are being built in Tampa, Miami, Orlando, Jacksonville, and Pensacola as fast as plans can be drawn and construction contracts awarded. By 1965, the plans now being drawn and the necessary construction to complete these five systems may be finished. The best known expressway system is that of Jacksonville which has been completed in the first stage and which has served to become a model for other cities over the nation. The Jacksonville system is now beginning its second stage of planning and construction which may well be finished by 1970.

page 135: paragraph 3: By 1961, the state-shared tax on cigarettes was producing \$34,914,028 for Florida cities. In addition, the State distributed \$1,612,790 to Florida cities for their police and fire department retirement pension funds through the premium taxes on casualty and fire insurance sold within the particular cities.

page 136: paragraph 1: The continued growth of metropolitan areas around the central cities involved is illustrated with the example of Jacksonville and Duval County. The city of Jacksonville decreased in population from 205,000 in 1950 to 201,000 in 1960, but the population of Duval County grew from 304,029 in 1950 to 455,411 in 1960. Thus, Duval County gained 150,000 people in the decade. What was true for Jacksonville and Duval County was largely true for the other central cities and metropolitan areas except the City of Tampa which annexed 45 square miles and 85,000 people in 1953.

page 137: paragraph 3: After the passage of the Minimum Foundation Act in 1947 there was one school district in each county, or a total of 67 school districts.

CHAPTER XII: SPECIAL DISTRICT GOVERNMENTS

page 141: paragraph 1: The number of special districts in Florida in 1962 is involved in a matter of definitions: thus, we write about a Central and Southern Florida Flood Control District which comprises most of the peninsula around, south, and east of Lake Okeechobee and comprises all or part of seventeen south and central Florida counties as a district, and we also write about the Taft Drainage District in the same paragraph or on the same page. Which is a district? The latest federal census of governmental units would probably show that there are, under federal census definitions, 100 more special districts in 1963 than in 1953.

page 141: paragraph 3: Special districts in Florida which reported to the State Comptroller in 1961, other than school districts, had an operating revenue of \$20,739,224 in that year.

page 145: paragraph 4: Since the adoption of the School Capital Outlay Amendment in November, 1952, sixteen major bond sales have provided \$151,693,000 of bond proceeds for the construction of school buildings for 59 of the 67 counties of Florida. In order to continue the benefits of this so-called "school building amendment" some observers are proposing to extend its operation by another 15 years to 1998, since the life of the 1952 amendment will expire after 30 years in 1983.

END OF APPENDIX

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